A Comparative Study of How Trans People Interact with Public Policies in Montréal and Toronto

Natalie Duchesne

A Thesis
In the Department Of Humanities
Centre for Interdisciplinary Studies in Society and Culture

Presented in Partial Fulfilment of the Requirements
For the Degree of
Doctor of Philosophy (Interdisciplinary Studies in Society and Culture) at
Concordia University
Montreal, Quebec, Canada

April 2016

CONCORDIA UNIVERSITY

SCHOOL OF GRADUATE STUDIES

This is to certify that the thesis prepared

By: Natalie Duchesne

Entitled: A Comparative Study of How Trans People Interact with Public Policies in Montréal and Toronto

and submitted in partial fulfillment of the requirements for the degree of

Doctor of Philosophy (Humanities)

complies with the regulations of the University and meets the accepted standards with respect to

originality and quality.

Signed by the final examining committee:

Dr. Chedly Belkhodja Chair

Dr. Miriam Smith External Examiner

Dr. Francesca Scala External to Program

Dr. Stephanie Paterson Examiner

Dr. Greg Nielsen Examiner

Dr. Viviane Namaste Thesis Supervisor

Approved by

Dr. Bina Friedwal Chair of Department or Graduate Program Director

Dean of Faculty

Abstract

A Comparative Study of How Trans People Interact with Public Policies in Montréal and Toronto

Natalie Duchesne, PhD
Concordia University, 2016

This dissertation examines trans people's relationship to policy in Montréal and Toronto. Adopting a critical/reflexive methodology, it begins by examining how past research has been framed through the object of study of gender transgression (transness). It demonstrates that this focus has limited the scope of policies considered: which policies are discussed, what is said about them, and how they are evaluated. In order to move forward, the dissertation proposes the concept of policy encounters, that is, contact between policy users and policy. This notion is developed by examining trans people's encounters with housing, social assistance, refugee, and trans-specific policies (e.g. civil status). Based on 30 one-on-one interviews, this review expands the scope (breadth and depth) of what is considered in relation to trans people and policy, uncovers new points of evaluation, and re-examines political priorities. All in all, policy encounters offer a much better perspective of trans people's policy landscape than gender transgression. Finally, this dissertation highlights the skills and strategies adopted by trans people to navigate complex and imperfect policies. As a whole, the project moves towards offering policy advice to policy users.

Acknowledgements

First and foremost, I would like to thank all the interview participants that trusted me with their stories (including those who chose the following pseudonyms: Josie, Alex, Hélène, Teresa, Simone, Chantal, Gwyneth, and Daniel). Next, I want to thank the community leaders in trans networks that took the time to speak with me and opened many doors. I especially want to thank to following, whose insight was particularly illuminating: Nora Butler Burke, Jackson Ezra, Danielle Chénier, Morgan Page, and Kyle Scanlon—Kyle I knew you briefly but you left your mark. You should all know that your names came up time and time again in interviews; participants underlined the importance of your work and support.

Mom and dad (Joanne and Réjean), your unconditional love and support is the source of my strength. I inherited curiosity from my mother and the need to solve puzzles from my father. Thank you both.

My brother, Marc, you were my first intellectual colleague. Our curiosity took us in different directions but it all comes back to childhood adventures. I treasure those moments and am very proud of whom we have become.

Mathieu Craig, it is safe to say that our idealism has been taken down a notch or two over the years. But we will always have our gay walks and paradigm shifting adventures. Thanks for distracting me when I needed to get away from my thesis and your support through life's ups and downs.

Mark Gaspar, our ideas are often mirror images even though they come from different places. I've lost count of the number of inspiring conversations we have had. You have been a bastion of good sense in a strange strange world.

Stephanie Paterson, you introduced me to policy studies with skill and it has changed the way I see the world. Knowing that I had you in my corner gave me the confidence to step out of my discipline, without fearing that I would get lost. Thank you.

Greg Nielsen, you asked me questions months before I could understand their fundamental significance. You challenged me to push the philosophical and intellectual engagement of my project further and for that I am very thankful.

Viviane Namaste, supervisor extraordinaire: building on your ideas got me here, your encouragement and support got me here in one piece. Not only did you guide me towards a thesis that actually holds together, but you have been a role model: You lead the good life Viviane. And truly, you have been the Athena of this Odyssey.

My doctoral work has benefited from the Joseph-Armand Bombardier CGS Doctoral Scholarship and a Concordia fellowship.

Table of Content

List of Figures

List of Tables

Abbreviations

AHI: Affordable Housing Initiatives

ASTT(e)Q: Action santé travesti(e)s et transsexuel(le)s du Québec

ATQ: Aide aux trans du Québec

CMHC: Canadian Mortgage and Housing Corporation

CPP: Canada Pension Plan

DOC: Designated country of origin

EI: Employment Insurance

HPS: Homelessness Partnering Strategy

IAH: Investment in Affordable Housing

IFHP: Interim Federal Health Program

NHA: National Housing Act

OAS: Old Age Security

OMHM: Office municipal d'habitation de Montréal

RRAP: Residential Rehabilitation Assistance Program

SHQ: Société d'habitation Québec

TCHC: Toronto Community Housing Corporation

Pour valider notre entreprise, il n'est pas besoin à nos yeux qu'elle soit assurée de jouir, pendant des années et jusque dans ses moindres détails, d'une présomption de vérité. Il suffit qu'on lui reconnaisse le modeste mérite d'avoir laissé un problème difficile en moins mauvais état qu'elle ne l'avait trouvé.

–Levi-Strauss, *Le crut et le cuit*, 1962

Introduction

This dissertation started with a simple question: What is the relationship between policy and the lives of trans people living in Montréal and Toronto? It quickly became a project about the ways assumptions regarding trans people (their realities, needs, and priorities) limit understandings of trans politics as well as about how government bias shapes understandings of policy. The dissertation first asks about the framings through which policy studies and trans studies shape their respective objects of study, *policy* and *transness* (gender transgression). It then asks about the effects these framings have on the content produced by the fields, and especially their dead zones, that is, systematic silences. My dissertation attempts to overcome these dead zones, by producing content that is pertinent to trans people's lives. To do so, it develops an alternative object called *policy encounters*. These encounters are the points of contact between people's lives and policy. By studying policy encounters instead of policy or gender transgression, this project increases the breadth (issues considered) and depth (the substance of these issues) of discussions about trans people and policy. It also finesses political priority setting and policy evaluation. Finally, the new object of study makes it possible to balance government and policy users' perspectives in its analysis.

I call this approach *project-centred research*, because the needs of the project are put before those of scholarly disciplines including their pet objects like policy. This form of scholarship blurs the line between university-based knowledge and knowledge produced outside of academia. It is also reflected in my objective and goals. The principal objective of this project is to understand silences in scholarship on trans policy issues and to develop a form of policy analysis that can reach these dead zones. One goal is to take trans people seriously—to not only listen to them but actually hear what they are saying. A second goal is to productively intervene in trans studies and to insist that it evolve into a field that can account for the experiences of my participants. Finally, this project works towards offering policy advice to policy users.

My project centres on trans people living in Montréal and Toronto. I spent time getting to know the trans network of each city. By trans networks, I refer collectively to those who interact

in spaces and events where trans people go. I then interviewed 30 trans people to ask them about their day-to-day lives, the policies they encounter, and their thoughts on government. I identified four key policy areas (housing, social assistance, migration, and trans-specific policies). I then analysed pertinent policies as well as how trans people interact with them, paying special attention to the skills and strategies employed by trans people to make the best of imperfect policies.

Three Lines of Questioning

My project-centred research has developed three key threads: critique and reflexivity, transness, and policy encounters. I use *critique and reflexivity* to assess our current scholarly understanding of trans issues. To perform critique is to challenge the realness of the "real," by showing how a particular object of knowledge fails to capture the world. It does so by seeking out new points of view and comparing their perspectives to the "real." Reflexivity serves to examine how points of view shape these objects. Together, critique and reflexivity uncover the limits of objects of study and lead to a different kind of object construction. In the first part of the dissertation, I explain in depth what I mean by critique and reflexivity. I do so primarily in chapter one, drawing on theory developed by Boltanski and Bourdieu. I then explain how I operationalised these concepts with the help of literature on framing in policy studies (chapter two). *Framing* refers to the process whereby patterns in thinking, communicating, and acting create a sense of what is real and what matters.

I put into practice a critical/reflexive approach by examining policy (chapter two) and transness (chapter three), as well as the diverse framings of trans issues in trans networks (chapter four). In chapter five, I demonstrate how critique and reflexivity can lead to a different kind of object construction, by presenting an analytical framework with which to approach policy encounters. The final four chapters deepen the preceding ones by developing policy encounters in relation to housing, social assistance, migration, and trans-specific policies. In these chapters, the dissertation covers content that has been ignored by trans studies. In brief, a critical/reflexive approach is central to my work because it allows me to reach the dead zones of past scholarship.

The second thread I develop is transness, an object of study that equates trans quiddity with gender transgression. In chapter three, I explain how trans studies began when feminist and sexuality scholars entered into a new conversation about gender transgression. The resulting object, transness, is interested in trans people only in so far as they transgress the gender binary. This conditional interest has limited the scope of content in trans studies. Subjects and issues close to gender and transgression get more attention. The further aspects of trans people's lives are from gender transgression, the less the field has to say about them. The content of trans studies is in consequence limited in both breadth and depth. Furthermore, its critique is generally limited to gender transgression. Cultural productions, bodies of knowledge, and policies are evaluated by their ability to include and promote gender transgression. The consequences of the transness (gender transgression) framing for studies of policy and trans people should not be underestimated. Which policies are considered, the detail with which they are examined, and the criteria used to evaluate them are all affected. The effects of the transness framing are further developed in chapter four. There, I investigate the framings found in trans community organising in Montréal and Toronto. Specifically, I compare the transness framing with a second framing that builds around marginality. The comparison makes clear that different framings produce radically different political priorities and that the monopoly of the transness framing in scholarship is not in trans people's best interests. The second part of the dissertation further builds these arguments by comparing the content produced by the transness framing with the content produced by the policy encounters framing.

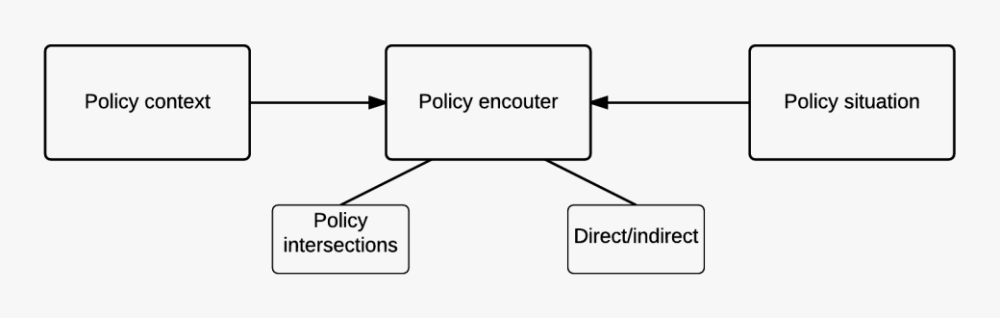
The third thread developed in this dissertation is policy encounters. The phrase policy encounters is an adaptation of Peterson's *program encounter* (1988), a term he developed to investigate the factors that determine whether or not an individual will make use of a program for which they are eligible. I instead examine the point of contact between lives and policy. Whereas many would begin by developing their main concept to then apply it throughout their dissertation, I have adopted a different strategy. In order to put into practice a critical/reflexive approach, one must not take one's object of study for granted. Rather, one must work towards it. Had I proceeded in a traditional manner, I would have ended up examining trans people's relationship to policy through their transness (gender transgression), replicating past dead zones. Instead, the primary contribution of this dissertation is an object of study developed through a critical/reflexive practice to better account for trans people's relationship to policy.

The dissertation is organised to make visible this contribution. Part one of the dissertation uses a critical/reflexive methodology to demonstrate the need for a new object of study and to show how policy encounters have promise in this regard. In addition, part one begins to describe policy encounters by situating the concept within policy literature. The strongest arguments for the need for a new object of study are made in chapters three and four. In chapter three, I make the argument that scholarship on trans people and policy is unable to account for parts of trans people's lives that are not directly related to gender. In chapter four, I demonstrate that the marginality framing found in trans community organising addresses trans political priorities that are ignored by the transness framing. A new object of study that can account for gender as well as other dimensions of trans people's lives (such as those brought to light by the marginality framing) is highly valued by a critical/reflexive research practice. Developing such an object would make it possible to critique the realness of the "real" and to improve the relationship between objectifier and object.

I situate policy encounters in chapters two (vis-à-vis policy literature) and four (vis-à-vis policy ethnographies). Policy studies was made possible by post-war government expansion, specifically by the need this expansion created for policy advice. This condition of possibility helped construct policy, or government action, as an object of study. With this construction came the common-sense notion that the study of policy should centre on governments. Content in the field gravitates around decision makers, bureaucrats, government institutions, and actors attempting to influence government action. This approach to policy started conversations about citizen participation in policymaking and citizens' needs in terms of policymaking, but it has for the most part remained silent about citizens' interactions with policy. My position is that by examining the point of contact between people's lives and policy we can create a new role for policy analysts working within policy studies, namely being policy advisers for the people who must manage the role of policy in their everyday lives.

Once the stakes of my new object of study have been established, part two of the dissertation fully presents the dimensions and key framing features of policy encounters. Chapter five outlines policy encounters' conceptual framework, as developed through the analysis of interviews and policy documents. The figure below summarises this core analytical framework.

Figure Introduction.1. Policy Encounters: Core Conceptual Framework



Policy encounters are where *policy situations*—the parts of people's lives that are relevant for policy—meet *policy contexts*—the rules, programs, funds, and other government actions with which people come into contact. Policy encounters can be further divided into *direct* and *indirect* forms of contact. A direct policy encounter occurs, for example, when a trans person interacts with a bureaucrat to gain social assistance benefits. An example of indirect contact is a trans person interacting with housing units that were built through programs that no longer exist. In addition to the core analytical framework, I studied the *skills and strategies* trans people use in their policy encounters. These skills uncover a great deal about trans people's relationship to policy.

The final four chapters of the dissertation show how I developed the above framework. They examine trans people's policy encounters with housing, social assistance, migration, and trans-specific policies. Each chapter features one or two dimensions of policy encounters and highlights the kind of content produced through this lens. Throughout part two, I explain what a policy encounters framing contributes to both policy studies and trans studies. A policy encounters framing expands the content of trans studies, adding depth to its conversations and multiplying its criteria for critique. In order to complement work already being done in policy studies (which is government focused), this project examines the work of actors, here trans people, in their dealings with policy. Their skills and strategies are considered side by side with their policy successes and failures. By making these contributions, this project begins to tease out the relationship between trans people's lives and policy. I've already noted that my project interacts with both of these fields, but a few precisions are needed in order to situate this dissertation.

Situating the Project

Disciplinary locations.

In order to situate my project, I must first make a few distinctions. The first is between the terms multidisciplinary, interdisciplinary, and transdisciplinary. To make this distinction, I will draw on Klein's (1990) work, which synthesises interdisciplinary work in the social sciences, humanities, and even natural sciences. Klein places these terms along a continuum. *Multidisciplinary* work involves "the juxtaposition of disciplines" in a manner that is "essentially *additive*, not integrative" (p. 56, emphasis in original). *Interdisciplinary* work is found in the middle of Klein's spectrum; it bridges disciplines, bringing them into conversation. It is integrative and aims to form a coherent whole. Finally, *transdisciplinary* work is not only integrative, it places itself above disciplines by creating overarching systems. Leavy (2011) makes an interesting argument about transdisciplinary research: for the author, this type of research puts the project before the discipline. My project shares this feature. In my case, I try to put the project before allegiances to feminism, trans studies, or policy studies.

The second distinction is between a discipline and a field. In general, disciplines are more established and formalised than fields, as demonstrated by university organisational structures, professionalisation, and the presence of objects, theories, methods, and a canon. The dividing line is hard to place, however; thus, to concretise this discussion, I will use my own discipline (political science) and fields (policy studies and trans studies). Political science is well established in the university setting. For example, Concordia University has a department dedicated to this discipline, with corresponding programs at the undergraduate and graduate levels. Political science is also one of the first disciplines to have undergone professionalisation (1903 in the United States, 1913 in Canada) (see Klein, 1990; Brooks, 1996). In contrast, as will be shown in chapters two and three, policy studies and trans studies are more recent fields. Despite their presence in universities, they are much less established. Furthermore, as will be discussed in the chapters two and three, policy studies and trans studies are positioned as multidisciplinary fields. They are spaces in which political science and sociology, for example, meet.

The third distinction is between institutional structures and research. A project emanating from an interdisciplinary institute is not de facto interdisciplinary and vice versa. I'm currently housed in an interdisciplinary program that has put me in contact with colleagues in the social sciences, humanities, and fine arts through coursework, conferences, and other university activities. The program also calls on a relatively active engagement from student committee members representing their work's various fields. However, I am trained in political science. Despite the fact that political science borrows a great deal from sociology and that I have during the course of this degree gotten closer to sociology as a discipline (by studying thinkers like Bourdieu or conducting fieldwork, for example), I cannot lay claim to being a sociologist in the full disciplinary sense. Such a double qualification would, in my opinion, take many years to accomplish. Perhaps the time required to become fully competent in multiple fields is why authors who discuss interdisciplinary and transdisciplinary work tend to speak in terms of teams composed of researchers with a variety of expertise (Fairclough, 2010[1995]; Klein, 1990). From a disciplinary standpoint, it would be fairer to say that my project is one of a *politologue* borrowing from sociology. My position within academia explains my entry point into policy studies—the primary field of the project—and trans studies. Indeed, the "inter" part of the project is most strongly derived from its overlapping of policy studies and trans studies.

Discussions on interdisciplinarity, especially those that address filling knowledge gaps between disciplines (see Klein, 1990), tend to reaffirm academic knowledge's primacy over other kinds of knowledge. The goal in these cases is to build a total knowledge sphere. This is one reason that I prefer to speak in terms of a project-centred approach, which shares the values of the problem-focused research popularised in interdisciplinary research but which allows for more flexibility (linking fields, not disciplines) and recognition of knowledge outside of the university. Importantly, a project-centred focus is inspired by policy studies' problem focus, a topic I come back to in chapter two. Being project-centred is giving allegiance to the project before one's discipline(s). Project-centred research can thus go beyond disciplinary work by actively incorporating elements from different fields, disciplines, and non-academic contexts, as appropriate for a project. To be clear, I make no pretentions of doing interdisciplinary work.

Rigour in Project-Centred Research.

If project-centred research puts the project before disciplines and fields, then careful thought must be given to how such a project can be evaluated. My project will likely seem a little strange to everyone. But it is possible to measure the work's rigour, that is, if it can stand on its own. In order to do so, two sets of relationships could be evaluated. The first set touches on the internal coherency of a project: how the object of study, objectives, methods, spheres of knowledge, and discursive strategies of a project relate to one another. Sayer offers a good starting point to think about this.[1] He writes,

> If we imagine a triangle whose corners are method, object and purpose, each corner needs to be considered in relation to the other two. For example, what do differences between the objects studied by social and natural sciences imply for the methods they use and the expectations we have of their results? Is the goal of prediction appropriate to an object such as an ideology? Can social scientific method ignore the understandings of those whom it studies? How far would interpretive, ethnographic method be appropriate for assessing macro-economic change? To answer such questions we shall have to consider all three corners of the triangle. (1992[1984], p. 4)[2]

Sayer argues that what, how, and why someone studies need to cohere. It would make little sense to study trans people with the goal of policy change if the methods involved reflection solely within university networks. Instead, one must create a project with traction in the world beyond. In fact, I add to Sayer's list a consideration of discursive strategies, by which I mean where and how one communicates one's ideas. Furthermore, Sayer himself argues that "different types of knowledge are appropriate to different functions and contexts; for example, engineering for the task of making nature move to our designs, ethics to the harmonization of the conduct of people in society" (1992[1984], p. 17). I would thus add to Sayer's list of elements the spheres of knowledge used. In sum, the internal coherency of a project should ensure an appropriate

[1] My use of Sayer's work here is to exemplify one author I was thinking with during the project's design phase. My goal is not to do a complete review of the sociology of knowledge. This being said, that field has influenced many policy researchers working in the argumentative turn (discussed in chapter two), and for this reason some authors such as Bourdieu (2008) and Polanyi (1974[1958]) will be referenced throughout the dissertation.

[2] As my argument unfolds, it will be important to know the year works were first published. For this reason, I include in my citations the year of the edition consulted followed by the original publication date in brackets.

combination of the following elements: object of study, objectives, methods, spheres of knowledge, and discursive strategies. For example, work that calls upon the political and that links implicit or explicit worth to this political relevance should have methods and diffusion strategies that fit. If researchers argue that our work is important because it deals with trans issues, we imply that this work is linked to trans people.

The second set of relationships to investigate is between the project and each of the spheres of knowledge it uses. A project that deals with policy studies, trans studies, and trans networks will relate differently to each of these fields. It will communicate with each of them differently, at times within the same text. It should also, when possible, give back to the spheres that feed its reflections. The next section gives a sense of how this project will bring together policy studies, trans studies, and trans networks.

The politics of trans: A project-centred approach.

Policy studies.

First and foremost, this project is anchored in policy studies. It follows Lasswell's (1951) vision for the field by trying to create knowledge *about* and *for* policymaking.[3] The notion of policy encounters contributes to both of these kinds of knowledge. Because policy studies has been dominated by government points of view, its line of sight on policy has been limited. If one changes the points of view, one changes the perspective.[4] Policy encounters are where government meets policy users. A lot can be learned about policy by examining these encounters through the perspectives of trans people. Policy encounters also contribute to knowledge for policymaking. They do so by advancing our understanding of policy encounters' dimensions and components as well as the skills and strategies policy users need in order to manage the role of

[3] To accentuate the fact this project seeks to produce practical knowledge for policymaking, I will also refer to my work as *policy analysis*.
[4] I will explain why I refer to points of view in the plural in chapter one.

policy in their lives. I start from the premise that policy will always be imperfect. And so I ask, what can make an encounter with an imperfect policy successful?

Trans studies.

The second field this project engages with is trans studies. Specifically, it deals with the field that gravitates around the texts included in *The Transgender Studies Reader* (Stryker & Whittle, 2006) and *The Transgender Studies Reader 2* (Stryker & Aizura, 2013), as well as other works referenced by these texts. This could be called "mainstream trans studies." Several fields have taken an interest in trans people, for example, endocrinology, psychology, epidemiology, and legal studies (see e.g., Denny, 1994; Herbst et al., 2008; Giami and Bail, 2011; Kouri, 1975; and Salas, 1994). I have chosen to intervene chiefly in trans studies because it is the field that forms the backdrop against which the social sciences and humanities investigate trans issues. A further advantage is that trans studies presents a purer version of identity framing based on transness than is found elsewhere. Elements of this framing extend beyond the university. As I will argue, a similar framing exists in trans community building (chapter four). But nowhere have I found this framing to be more clear-cut, dominant, and developed than in trans studies. Studying this framing in trans studies, and its particular conditions of possibility, gives the impression that this field is the source of this framing. I believe this gives the field more power than it really has and that it is best to view this framing as one version of an identity framing's take on trans people and transness.

Trans studies has been a valuable starting point for me to think about trans people's voices. However, it became apparent to me during my research that a radical critique of this field was in order. The framing found within trans studies has prevented it from embodying its own values and insights. It has systematically ignored facets of trans people's experiences as well as certain types of voices. All framings paint a partial picture, but the transness framing has prevented trans studies from giving in-depth insight on trans people's relationship to policy. The principal shortcoming of this field is its overreliance on gender as an analytical category and transgression as a normative base.

My contribution to this field is to offer a clear image of the transness framing that shapes the production of knowledge about trans people. By making its contours visible, as well as its limits, I hope to encourage academics who want to study trans people to take a moment at the beginning of their project to consider if the transness framing (or any other identity framing) is truly pertinent. For studying policy, it most certainly is not.

Trans networks.

The third sphere of knowledge I consider is trans networks in Montréal and Toronto. It would have been inappropriate to study trans people and policy without going beyond current scholarship. Furthermore, as I did not know which policies were important, it was not suitable to start by examining specific policies. Thus, I spent time in trans networks and interviewed trans people. During preliminary fieldwork, it quickly became obvious that many policies of import were not getting the attention that they deserved in trans studies or policy studies. In contrast, community reports that come out of trans networks do address some of these issues (e.g., Project Affirmation, 1997; Scott & Lines, 1999). For these reasons, trans networks in Montréal and Toronto are a key component of this project.

Each city has its own unique trans network made up of spaces (community centres, bars), events (meetings, activist organising, social gatherings), and key actors. Not all the people in trans networks are trans; they include, for example, service providers, family, and friends. Furthermore, not all trans people are in trans networks. Some enter these networks for a short time or never get involved. Nonetheless, these networks are sites of community building and politics. Through them, information about trans people and what is available to them circulates. The patterns in which information circulates create denser pockets of relationships that are more or less related to one another. The definition of trans as a category shifts from pocket to pocket, making the contours of the network shift with it. Indeed, these networks contain several perspectives and it is within them that much of the politics around naming and identity take place. As such, trans networks have important implications for policy priorities.

The principal empirical research for this project outside of the university context has been 30 one-on-one interviews with trans people. These interviews, which centred on people's day-to-

day lives, were a way to access the policies with which people come into contact, how policies become meaningful, the impact they have on lives, and the strategies people adopt to make a policy encounter successful.

One contribution of this thesis for trans networks is to participate in the process of argumentation over policy priorities. I respect the actors in these networks, but my respect is not always equivalent to agreement. In fact, it would be impossible to agree with all priorities in trans networks, because trans people do not all agree. How can researchers consider divergent policy priorities in one project, without letting go of critique yet respecting actors? I believe a policy encounters framing can help. Having now situated my project, I turn to theory and methods.

Methodology, Theory, and Method

The methodology (in the sense of way or pursuit) of this thesis is ordered by critique (challenging the realness of the "real") and reflexivity (examining the relationship between points of view and objects). Together, critique and reflexivity lead the way to a better understanding of trans people's relationship to policy by guiding the choice of methods and theories, as well as the process of analysis and theory making. Within this project, theory is a tool for understanding. It exposes content by offering a perspective of the world. For example, framing analysis is a theoretical tool that makes visible the frames that organise patterns in the content of fields. Theory making refers to constructing models to expose content in order to expand or transform reality. This project produces theory by constructing a conceptual framework related to policy encounters. Methods are tools used to construct and challenge models and to produce content. Methods include, for example, interviews and the research techniques used to gather scholarly texts.

My use of methodology, methods, and theory make it inappropriate to fully espouse the traditional breakdown of a dissertation into three parts: review of literature, methods, and results. However, this dissertation does include these elements, and I have incorporated signposting to guide readers. The dissertation itself is organised by the logic of a critical/reflexive methodology. Part one represents the pursuit of a new object of study. Specifically, critique and reflexivity are used to identify, describe, and evaluate current objects of knowledge. The methods include

finding scholarly texts (methodological notes are found where appropriate) and ethnographically inspired fieldwork (explained in chapter four). The data from part one comprise scholarly texts and fieldnotes. To make sense of this data, I used framing analysis (explained below). In part two of the dissertation, critique and reflexivity are used to develop a new object of study (policy encounters). Methods include researching policy documents and doing interviews (explained in chapter five). The data are made up of policy documents and interview transcripts. This data were analysed with the help of framing theory to build the conceptual framework of policy encounters (theory making).

I operationalised critique and reflexivity through framing analysis. The concept of *frames* was first developed in policy studies by Rein and Schön (1977). Their version of frames is problem focused. Specifically, frames help explain why rational technical means cannot solve problems such as poverty and, more importantly, why cogent arguments cannot convince all policy actors of the best solutions. A frame is a way of thinking, communicating, and acting. It allows actors to define and explain a situation, to answer the question "what is going on?" In a policy studies context, frames problematise, call on particular logics, and decide what counts as evidence. Frames also push to action. If cogent arguments do not convince all actors, it is because actors do not consider the same kinds of arguments to be cogent.

My approach to framing is decidedly more structuralist than Rein and Schön's. I examine the framings surrounding particular objects of knowledge. Following the advice of van Hulst and Yanow (2014), I also move from frame to framing. When one outlines a framing, one ontologises a frame into content. To be sure, a switch in language from frame to framing does not solve this problem, but it is a good reminder. Even if describing a framing does to a certain extent congeal a process that is always ongoing and in transformation, it remains a useful tool, for university fields, such as policy studies and trans studies, have set patterns in their content. These patterns become visible through an analysis of framing devices.

Framing is the process through which patterns in content are created. Two ways to approach these regularities are to look directly for patterns or to examine the forces capable of creating regularities. In the first case, researchers may examine a process over time whereby a new *agencement* of categories, such as gender or sexuality, gains popularity and becomes the norm. In the second, we might find the patterns determined by the conditions of possibility of an object of study. Both approaches are looking for framing devices. The specific framing devices

studied will vary depending on the needs of a project or the spheres being studied (I believe that each scholar must develop them in conversation with their discipline, fields, and fieldwork). Here, I present those that were most fruitful for this dissertation: history, common sense, categories, logics, and discursive practices.

Bourdieu's work inspired the first two framing devices I used: a) examining the *history of a field*, specifically a field's interests, in order to better capture its object's formative form, early evolution, and general conditions of possibility; and b) looking for assumptions surrounding *common sense*—that is, what does not need evidence, what does not need to be discussed, that which is evident. Together, these framing devices offer a first look at a field's object of study. As noted, this dissertation will examine how policy studies and trans studies first came to construct their objects of knowledge and make the link to their content. I will also examine how issues come to be priorities in trans networks. In chapter eight, for example, I look at the rise of identity screening in airports as an interest and problematic situation in trans networks.

The next framing device is *categories*, which distinguish (separate and produce) and locate (classify) bits of reality. They can have several framing roles. First, categories create domains. Three examples from policy studies will help illustrate this point. First, policy is an institutional action in response to a problem, but policy studies limits itself to public policies, that is, government actions. Others might see things differently: In the case of social policy, for example, the distinction between state and non-state institutions is not as pronounced, but the policies considered are limited to those that forefront the social (e.g., social housing and welfare). Second, the categories of policy analysis and policy studies are each built on two dimensions—locale and knowledge type. Policy studies is an academic field that produces knowledge for and about policymaking. Policy analysis is action oriented and occurs both inside and outside of the university. My project contributes to policy studies by providing academic-based policy analysis. Approaches in the field are a final example of categories creating domains. Is this project part of the argumentative turn, critical policy studies, or postpositivist policy analysis? These three categories have considerable overlap, but there are distinctions to be made. The argumentative turn is composed mostly of postpositivist scholarship, but not solely, as the presence of frames (developed before postpositivism) illustrates. Critical policy studies puts less emphasis on meaning and refocuses the field on critique. Finally, postpostivism is positioned in opposition to neopositivist work.

Already evident in the above examples is that categories do more than create domains. They are also prominent in building analytical planes from which to examine an object of study. Gender, race, and sexuality are identity categories from which specific "identities" can be derived (trans, woman, trans woman). Identity categories (gender, race, sexuality, etc.) are central to a family of framings that I call *identity framings*. Two examples are the transness framing and intersectional work. The transness framing features gender, sexuality, and sex, as well as other identity categories like race and class. The frequency with which they come up and their roles in organising knowledge determine the framing. Intersectional work primarily brings into relation two types of categories, social categories of difference (gender, race, class), and power (discrimination, privilege, bias). I come back to intersectional analysis in chapter five. In both cases of identity framing, transness and intersectionality, the types of categories considered (e.g., social difference and power) and the subtypes that are featured (e.g., gender and privilege) affect what is of interest and what kinds of relationships are considered.

Analytical planes allow for other categories to be generated. Identity categories include categories of people, which can further order reality, for example, through proximity. Every time a speaker uses the acronym LGBT or GLBT, this utterance situates lesbian, gay, bisexual, and trans in a common realm. We can then consider them side by side, as an example of diversity, or mask their differences. These categories can also create hierarchies. In this project, trans includes transgender and transsexual, but others might prefer to use transgender as an umbrella category that encompasses transsexual, cross-dresser, drag performer, and even genderqueer. Others still may associate transsexual and *travesti*, without much concern for other categories.

A fourth framing device is *logics*—that is, the logics that put into relation various categories to explain, problematise, and move to action. For example, I have often heard in discussions of human rights that women, people of colour, and gays and lesbians had had their turn, and now it was trans people's turn. This is an example of the logic of progress. Other examples of logic are found in common explanations, such as, "sex refers to physical traits and gender refers to how someone feels" or "trans people are underhoused because of transphobia."

The final set of framing devices is *discursive practices*; they function to make the real real. They include material and environmental supports such as authors, readers, journals, and institutions. But they also include authorial practices, that is, practices that comfort the reader and confirm the real. One example of discursive practices is citational styles or, in other words,

expectations in various fields regarding what counts as a source and how sources should be included in scholarship. Another example is rituals, such as the confessional practice of situating the author (discussed in chapter one). A third example is the long list of images and stock knowledge bits that are used to think: the image of drag in gender studies, or a picture frame in framing literature. The most prominent kind of discursive practice in this project is stories.

As Stone (2002[1988]) explains, both overt and implicit stories are found in policymaking. These stories feature villains, heroes, and victims as well as forces of good and evil. Stories are prevalent in the spheres of knowledge being used in this project (policy studies, trans studies, trans networks). A pertinent example from the trans network in Toronto is the story of how trans-specific programming started at The 519. Here is one example of how it was told:

> In 1996, three sex workers were killed in Toronto. Two of them were trans. Activists reacted to the murders by pushing The 519 to action. The centre then developed several trans-specific programs.

There are multiple versions of this story. Depending on the context in which it is told, emphasis is placed on the fact that the murder victims were trans or that they were sex workers, that The 519 was forward looking or reactionary, and so on. The principal actors vary, and the hero of the story might be the activists or The 519. There are founding stories for organisations, events, and political movements. Stories exist in both policy studies and trans studies as well as in the social sciences more generally. In policy studies, the Cuban Missile Crisis is a classic story of decision-making under pressure (Allison, 1971). In the Canadian context, the Berger Inquiry into a proposed gas pipeline is used to demonstrate deliberative policymaking in action (Torgerson, 2003). In trans studies, there are stories are about trans women being excluded from the Michigan Womyn's Music Festival (see Sreedhar & Hand, 2006; Wilchins, 1997) and, in the Canadian context, the legal battle between Nixon and the Vancouver Rape Relief Centre (Elliot, 2001; findlay, 2003; Harris, 2006). All of these stories are relevant to the project. The presence or absence of these stories and the ways in which they are told are indicators of how policy issues are framed. For example, the last two stories frame trans women's access to women-only spaces in a certain manner. The Nixon case has often been told as a story of identity: Nixon was rejected from volunteering at Rape Relief because as a transsexual woman she did not fit the organisation's criteria for being a woman (see Namaste & Sitara, 2011[2005] for a critique).

The examples above are public stories, but personal stories must also be considered. The abundance of autobiographies and personal narratives found in trans studies is in itself an indicator of a particular framing (one that values voice and experiential knowledge, although as I will argue only the voice and experience of some). In my interviews, stories were one of the primary means by which people explained their relationship to policy. If you ask people about government, they will tell you a story: a visit to the doctor's office, an encounter with a social worker, events that led up to becoming homeless, or the process of immigrating to Canada. These offer incredible insight into the ways people make sense of their surroundings and experiences.

The above framing devices (history, common sense, categories, logics, and discursive practices) are related to patterns in content (of thought and action). These patterns leave systematic silences, produce differential degrees of realness, involve thought habits, and open up possibilities of action on problematic situations. Reality is where Laverne Cox and Caitlyn Jenner exist side by side—not because they are both rich actresses, but because they are both transgender. This is a reality where thinking shortcuts allow us to answer questions before they are even posed, due to common-sense notions that need no evidence to support them: "A trans woman is homeless." Why? "A rich white man and a transgender woman of colour." Who is privileged? In this reality, patterns occur in critique and evaluation: civil status is problematic because it does not account for gender beyond "F" and "M;" human rights should include gender. My work challenges the realness of this "reality."

Framing analysis is a great tool with which to put into practice critique and reflexivity because it helps visualise how knowledge is organised around objects of study. Framing devices draw the analyst's attention to the points of view that dominate a field and paint the picture of the resulting perspective. Prominent categories, discursive practices, problematisations, and the history of fields (interests and conditions of possibility) highlight the points of view from which an object was created. The principal analytical categories and the logic that bind them reveal a great deal about the ontological limits of the resulting reality. Its common-sense notions hint at potential missing elements such as experiences that remain unaccounted for.

The concrete framing devices (history, common sense, categories, logics, and discursive practices) found in trans studies make visible the outlines of the more abstract transness framing—a framing organised around the object of gender transgression. Once the analyst grasps the perspective of the transness framing, it is possible to retrace the effects of this framing on

content. I do so at the end of chapter three when I examine the patterns and dead zones in the content of scholarship on trans people and policy. This work demonstrates that there is unison between the framing and content of trans studies. In this case, there is a particularly high level of regularity in content. Indeed, framing analysis sheds light on the stunning homogeneity of trans-related scholarship.

The framing analysis process described above must be repeated in different fields and contexts until one can compare framings in order to critique each individual frame. In chapter four, I compare the transness framing with a marginality framing found in trans community organising. Throughout part two of the dissertation, I compare the transness framing with my own policy encounters framing as well as the framing devices found in interviews with trans people.

In sum, I have studied framing devices and compared framings in policy studies, trans studies, and trans networks as part of a critical and reflexive exercise. Framing devices have given me insight into the perspectives and objects, as well as the silences, that exist in these spheres. This work led to using policy encounters as an object of study, which I developed in order to produce new content. This new content challenges the realness of past models. I now turn to chapter summaries to give readers a sense of how I will develop my argument.

Thesis Organisation and Chapter Summaries

Chapter one contends that critical scholarship should pursue critique and reflexivity with equal force. Using Butler's Adorno Prize Lecture (2012a), I argue that leading a good life, for scholars, requires us not only to perform critique but also to enact the principles of our critique. Following Boltanski (2009), I define critique as challenging the realness of "reality" (the world-as-it-is-to-us). In order to enact the principles of my critique, in this project I attempt to respect actors and to consider them as the epistemological equals of scholars, despite the project's structural undertones. Furthermore, I present Bourdieu's (2004, 2008) notion of reflexivity as the most promising tool with which to resist the urge to join in the bad life, that is, to attempt to bring

debates to a close with *superior* critique. In other words, reflexivity allows scholars to resist moving from being the one who wants to know to being the one who needs to be *the one* who knows. I end the chapter by explaining that both critique and reflexivity work best when they engage with multiple points of view, challenge old assumptions, and make scholarly fields evolve. I argue that one should develop an *ethnographic sensibility* to access points of view and perspectives.

Chapters two and three offer a literature review that situates my project in its fields, presenting the tools I take from each field. I take up the challenge of simultaneously turning these tools back onto the fields that produced them (reflexive motion) to challenge the realness of the "reality" they produce with their objects—policy and transnesss (critical motion).

In chapter two, I argue that policy studies, a field made possible by governments' need for policy advice, has constructed its object, *public policies*, in a manner that makes its central aim harder to achieve. To produce knowledge *for* and *about* policy, I contend we must pay attention to people's interactions with policies: their policy encounters. I argue for a complementary vision of policy analysis that is geared towards advising policy users as well as policymakers (government). This chapter also presents the notion of framing and links it to critique and reflexivity.

Framing analysis is particularly important in chapter three. Trans studies frames knowledge about trans people around the object of transness. The functions of transness produce an analytical plane where the category of gender organises content in terms of transgression. This category is predicated on a close relationship between sexuality and sex, but also other identity categories such as race and class. The analytical plane comes with its own test of validity (to borrow Boltanski's phrase). Reality is evaluated by its ability to incorporate and encourage transgression, and especially gender transgression. The transness framing is strongest in trans studies, but some of its elements reach beyond the field. Thus, even when we add to trans studies policy studies (and public administration), legal studies, and any other scholarship that deals with trans people and policy, a clear-cut pattern in content emerges. Attention gravitates around gender losing focus as one moves away from it as an object. Gendered policies and gendered aspects of policy come to be the sole sites of trans people's inclusion or exclusion. These same policies are evaluated according to their ability to incorporate transgressive genders. Chapter three closes with a simple suggestion inspired by Namaste's (2000, 2005, 2009) work: What if,

instead of transness, we were to use trans people's lives to order political priorities and to evaluate policy?

If, within the parlance of dissertation requirements, chapters two and three were reviews of literature, then chapters four and five would be methods chapters. This distinction separates scholars' knowledge (accessed by reading) and actors' knowledge (accessed through methods), as well as theory making (conversations with scholars) from research practice (conversations with actors). These separations are potential dangers for my goal of respecting actors. They also happen to be incongruent with a critical and reflexive methodology, which demands that one equally treat scholarly text and fieldnotes as data. This being said, the reader will find the contents of traditional method chapters in chapters four and five.

Chapter four comes back to the notion of an ethnographic sensibility and situates my project within policy ethnographies. Having used a reflexive/critical approach to policy studies and trans studies, I turn my attention to trans networks. These are the social spaces where trans people gather to exchange, support, advocate, and argue. I explain how my analysis moved from framing devices, to relationships between framing devices, to identifying two ways of framing trans issues. The first way, similar to that found in trans studies, prioritises civil status, trans-specific health care and services, and gender inclusion in human rights. The second framing, which centres on marginality, prioritises the urgent needs of isolated and marginalised trans people. Comparing these framings inspired me to take a risk by attempting to create a new object of study that could account for them both.

Chapter five outlines how I have attempted to frame trans people's relationship to policy. I propose to examine policy encounters, starting from trans people's perspectives. I do so based on the transcripts of 30 interviews with trans people in Montréal and Toronto, in which participants were asked about their day-to-day lives. From this data, I identified their policy situations—parts of life relevant for policy—and traced them back to policy contexts—government actions. I analysed whether policy encounters are direct or indirect, and whether they are the sites of multiple policies intersecting. Starting from trans people's explanations of their lives was a way to take the work of actors seriously. Immediately, the skills and strategies needed by trans people to navigate policies became prominent. Policy situations, policy contexts, direct and indirect contact with policy, policy intersections, and skills and strategies are some of the categories brought into relation by a policy encounters framing.

Following dissertation protocols, chapters six, seven, eight, and nine present results. I think, however, that calling these chapters "results" is an insult to the framing analysis accomplished in chapters one through five.

These four "results" chapters are designed to take a reader who is (implicitly or explicitly) familiar with the transness framing, or perhaps any identity framing, and to move progressively towards a policy encounters framing. This is an intervention in framing and not simply a presentation of content. Throughout these four chapters, I do the following:

- Increase the number of issues considered in relation to trans people and policy (breadth)
- Add substance to the issues that are considered (depth)
- Offer a more nuanced evaluation of policy than does a transness framing
- Give a fresh take on policy priorities

Simultaneously, these chapters elaborate on the skills and strategies of trans actors. They examine the information networks where trans people learn about policies and develop strategies to deal with a particular policy field. They highlight the interpersonal skills trans people use to convince bureaucrats and community workers to help them. They also examine the interactional styles adopted by actors to avoid or confront the policy problems they face. In addition, these chapters give the reader a sense of the intersections of policies and the heightened challenge they bring to trans policy actors. Examining this skill set underlines the role of front-line bureaucrats, and in particular the community workers and social workers that guide trans people through policy. These frontline workers are policy advisers to people, and policy analysts have much to learn from their know-how.

Chapter six deals with housing policy—specifically regarding social housing and emergency housing. It begins to develop the notions of policy situation and policy context and to explain what they bring to an understanding of policy encounters and trans people's relationship to policy more generally. Chapter seven examines social assistance policies. It showcases the skills and strategies needed to survive poverty generally and social assistance policies specifically. Chapter eight addresses migration and asks, what is a policy priority? It compares how a transness framing and a policy encounters framing can answer this question in relation to air travel and refugee claims. Finally, chapter nine, on civil status and human rights, presents the final dimension of policy encounters: policy intersections. In addition, it demonstrates that even for trans-specific policy, a policy encounters framing can offer more nuance than the transness

framing. It has the finesse needed to offer policy advice to people, respect actors, yet still critique trans priorities. Together, chapters six, seven, eight, and nine offer a perspective on the relationship between policy and trans people's lives that can account for trans people's experiences better than past scholarship.

I have now given readers a general sense of my project, but have only given a quick sketch of what I mean by critique and reflexivity. These notions are deceptively complex and will be elaborated on at length in the next chapter. Only once this work is done will I be ready to address trans people and policy. I thus ask for the indulgence of the reader as I take this necessary detour.

PART ONE: WORKING TOWARDS A NEW OBJECT OF STUDY

Chapter One – Developing a Critical/Reflexive Methodology

To begin, I remind readers why I included this chapter, however unusual it may be for a dissertation on trans people and policy. I sensed something odd in trans studies that made it near impossible to say something of substance about trans people's relationship to policies, and because of this impression I knew that I could not take my object of study for granted. I needed a way to evaluate and create objects of study. For this reason, I took on a critical/reflexive methodology.

In this chapter, I argue that it is useful for scholars to develop a living practice of critique/reflexivity, including within their academic work. Furthermore, I demonstrate why these two tools must be used together and with equal force. A critical practice involves challenging current understandings of the world in order to encourage their evolution. But if one pursues critique without reflexivity this evolution is limited. Reflexivity allows us to examine the relationship between the points of view we champion and the objects we create. Without a constant reflexive process, critique ends up replacing one problematic reality with another.

In order to explain critique and reflexivity, I reflect on ontology, epistemology, the role of scholars, and the place of actors. I do this with the help of Butler, Bourdieu, Boltanski, and Latour. I begin with a close reading of Butler's Adorno Prize lecture, where she asks the following question: "How does one lead a good life in a bad life?" (2012a, p.12). Butler argues that in order to develop a living practice of critique, one must enact the principles of one's critique. For the author, this means acknowledging the interconnections between one's body, other bodies, and environmental supports as well as one's dependence and vulnerability. In applying Butler's framework to her own work, however, I contend that she fails to enact her principles, as she does not substantially engage with actors. Going one step further, I argue good critique is only possible if we take actors seriously beyond the aspects of their lives that our academic training has taught us to find interesting. But this practice is easier said then done. In

fact, Butler, Bourdieu, Boltanski, and Latour all fail to take actors as their epistemological equals. Their failure teaches us about the difficulty of truly taking actors seriously.

Indeed, taking actors seriously has been one of the weaknesses of structuralist-inspired scholarship, including in the social sciences. Without pretence of solving this problem, the chapter turns to the work of Bourdieu, Boltanski, and Latour, three thinkers who are part of structuralism's legacy and have taken on the ambitious project of redefining sociology. Through their work, I present an approach to ontology and epistemology that is coherent with much of the work inspired by structuralism. This view of ontology separates the world-as-is from the world-as-it-is-to-us. In this stance, the world in flux exceeds any representation's attempt to tame it. Enter critique, the activity of finding the overflow to help representations evolve. However, understandings of the world-as-is are always anchored in points of view. In fact, critiques and "reality" are nothing more than competing epistemologies that coexist in the world-as-is, which implies that critique and "reality" are equally fragile. To a certain extent, conventions such as science must buttress critiques or else they get ignored. But this same protective attitude can easily stomp critique. Efforts to produce critique lead to the ontologisation of objects and structures, which can close the door to other points of view. Critique can only be as strong as the critic's ability to resist the urge to have the last word on the "real."

The chapter then asks how one might resist the temptation to take on an absolute point of view. I propose that a Bourdieusian reflexive research practice can lead towards this goal without ever reaching it. Bourdieu's work helps contextualise the confessional rituals found in feminist and trans studies, whereby an author is expected to divulge their gender and sexuality. These statements, which can be given without cost, without work, and without reflexivity, comfort readers, but I argue they should not. Reflexivity is not a sentence included at the beginning of a chapter; it is an ongoing examination of the relationship between scholars and knowledge production, which should leave the traces of its labour throughout a scholarly text.

Reflexivity is the examination of the effects of points of view on objects of study. This requires a distinction between *points of view* and *perspective*. A common position is that a point of view helps create a perspective. Someone drawing a landscape will use a point of view to create the illusion of three dimensions on a flat plane (perspective). But when examining perspective in terms of understanding, one must trace back to multiple points of view. Bourdieu offers three: social position, position in the university, and intellectual gaze. These are his three

levels of reflexivity. While I do not think these are the only kinds of points of view to examine, I do think they offer a good point of departure from which to develop a reflexive practice.

Throughout this chapter, I argue leading a good life should push scholars to produce critique when warranted. But in order to respect actors, this critique must be pursued in conjunction with reflexivity. I begin with Butler.

The Good Life

In order to take a first step towards determining the role of scholars, I will offer a reading of a text based on Butler's acceptance speech for the Adorno Prize, *Can one lead a good life in a bad life?* (2012a). As the title suggests, Butler here examines a question once asked by Adorno: "How does one lead a good life in a bad life?" (p. 9). In other words, how can one lead a moral life within an unjust world? Butler argues that leading a good life requires that people take on a living practice of critique that examines the structures that devalue certain lives—one that assigns particular attention to the mechanisms that allow some lives to disavow their dependency on others and on their environment. For Butler, equality is only possible upon acknowledgement of interdependency. Although asking about the good life is pertinent, my ultimate interest is more specific. Considering that scholars, including Butler, spend a substantial portion of their lives doing scholarship, I would like to modify the author's question and ask, how can a scholar lead a good life in an unjust world? To begin answering this second question, I will examine whether or not Butler lives up to the "good life" that she sets up in her Adorno Prize lecture.

Butler begins by noting that questions of morality and of the value of life go hand in hand, and thus, morality is "bound up" (2012a, p. 10) with *biopolitics*. She defines this last term as "those powers that organize life . . . and that establish a set of measures for the differential valuation of life itself" (p. 10). Butler suggests that in order to understand the differential values of life, one must ask "whose lives are grievable, and whose are not?" (p. 10). It is by examining this question that Butler discerns the stakes of critique.

An ungrievable life, for the author, is one that is not valued or protected by dominant social institutions. Should this life find itself in need of shelter or food, it will not be eligible for

social and economic support. Furthermore, it will not benefit from political recognition. This life will find it difficult to have its needs heard. Butler asks how the question of a good life will be formulated "from within a felt sense that one's life is ungrievable or dispensable" (2012a, p. 11). From this position, Butler argues that an "I" that does not have its value reflected back to it by the world "must become critical of those categories and structures that produce that form of effacement and inequality" (p. 11). And so, from within the perspective of the ungrievable life, it becomes apparent that one's own life is at stake in critique. The question then becomes, "Do I establish myself in the terms that would make my life valuable, or do I offer a critique of the reigning order of values?" (p. 11). Butler concludes that the question of the good life "is bound up with a living (*lebendig*) practice of critique" (p. 11).

The next part of Butler's argument examines how the distinction Arendt has made between the private and public leads to the conclusion that people must disavow dependency in order to act politically. Arendt has distinguished between "the desire to live" and "the desire to live well" (Butler, 2012a, p. 12), suggesting that survival is not in and of itself a goal. Rather, it is to live a good life, to live morally. This first distinction between living and living well is analogous in Arendt's work to a second distinction between the private and the public. The private is the domain of survival, material needs, and sexuality. In contrast, the public is the realm of action, thought, and speech. Within Arendt's thought, the political is active. For Butler, this active political is the performative dimension of politics.

For Arendt, the body is not active in a political sense; it is pre-political. Butler disagrees with this position, arguing that the private realm of the body is a space where inequality exists and is thus political. Accepting Arendt's distinctions would force the position that autonomous thought is only possible through a disavowal of human dependency. In contrast to Arendt, Butler suggests taking the "mechanisms of disavowal as the objects of our critical analysis" (2012a, p. 14). In so doing, both the political and the role of performativity are transformed. A public demonstration that opposes the failures of systems of support takes the supposed "pre-political" body as its object. "At such moments, the performativity of politics emerges from conditions of precarity" (Butler, 2012a, p. 14). This is a politics based on the interdependency of lives—a dependency in relation to other humans and non-human organisms as well as environmental supports. As bodies are always dispossessed—open to their exteriority, already other—vulnerability is an aspect of the social and political modalities of the body.

Arguing against Hobbes and social contract theory, Butler states that this vulnerability cannot be resolved through a social contract. The disavowal of vulnerability separates "those who are dependent and those who are not" (Butler, 2012a, p. 15), which in turn contributes to inequality. "Only through a concept of interdependency that affirms bodily dependency, conditions of precarity and potentials for performativity can we think a social and political world that seeks to overcome precarity in the name of liveable lives" (p. 15). Interdependency is central to Butler's politics and to her practice of critique.

Butler ends with a discussion of resistance as a precondition to living a good life. She comes back to Adorno, who at times equates resistance with critique, but who reserves critique for the few who can perform it. At other times, Adorno argues one must reject the bad life and resist the temptation to join in the bad life. Butler refuses the first stance and modifies the second:

> For me, and perhaps for us today, we might still query in what way resistance must do more than refuse a way of life, a position that finally abstracts the moral from the political at the expense of solidarity, producing the very smart and morally pure critic as the model of resistance. (2012a, p. 18)

For Butler, resistance must be plural and embodied, qualities she sees in new social movements that fight against precarity but that do not try to overcome dependency, interdependency, and vulnerability: "This is a politics in which performative action takes bodily and plural form, drawing critical attention to the conditions of bodily survival, persistence and flourishing within the framework of radical democracy" (2012a, p. 18). Shared precarity creates potential grounds for equality. Crucial to her argument, Butler claims that this requires more than smart critique.

People like Butler, the reader, and myself spend a great deal of life in intellectual pursuits, in the form of scholarship. If we are to lead a good life, we should also ask, how can scholars live a good life in an unjust world? Adapting Butler's ideas, we might begin with four answers:

- Give attention to the lives that are not valued by current biopolitical structures, and critique categories and structures that produce ungrievable lives;
- Focus this critique on the mechanisms that allow for the disavowal of our vulnerability;
- Take on a living practice of critique (resistance) that enacts the principles it seeks; and
- Base our scholarship (life) and politics (resistance, critique) on the interdependency and acknowledged vulnerability of bodies.

In what follows, I re-examine Butler's text in light of the four suggestions above. To put it otherwise, I want to know if the living practice of critique embodied through Butler's scholarly work measures up to the good life. My entry point is a key feature of the text, whereby the author slips in and out of the ungrievable and precarious life's subject position. To fully appreciate the significance of this slip, one needs a little background information.

On several occasions, Butler has been accused of being a bad writer (see Dutton, 1999; Bauerlein, 2004). The bad writer argument has been one of many polarising debates surrounding the author's work and legacy. Butler's critics accuse her of overcomplexifying her writing, while her defenders argue that her writing is a performative embodiment of her politics (Kirby, 2006; Lloyd, 2007). Butler herself has argued that she does not support complexity for complexity's sake and that her writing is a form of grammar politics (1999 preface in 2006[1990]; Butler in Olsen & Worsham, 2004[2000]).

Were this argument simply about writing style, it would not be worth scholarly attention. But the bad writer argument has been the site of debates over Butler's substance (or lack thereof), her relevance, and her place within gender studies and social theory. These debates slip into one another in the literature, making it impossible to discuss one without mentioning the others. The reason for this slip is equivocation regarding "complex" and "difficult" writing. Yes, Butler is hard to read, but this complexity has many layers that must be carefully separated. Otherwise, those engaging in these debates will talk across each other. The bad writer argument is also of interest because it has pushed Butler to explain her style, which is of the utmost relevance for the task at hand. Here, I will examine three layers of difficulty in Butler's work: writing, citational style, and grammar politics.

The clarity of Butler's writing has greatly improved over the past 25 years. Reading the Adorno Prize lecture is nowhere near as frustrating as reading Butler's earlier work, *Gender Trouble* (2006[1990]) specifically. A scholarly article she published the same year as her lecture, "Precarious Life, Vulnerability, and the Ethics of Cohabitation" in *The Journal for Speculative Philosophy* (2012b), is also written with much greater clarity than is *Gender Trouble*. Admitting that Butler's earlier writing lacked clarity does not take anything away from the author. In fact, it would be a non-issue if it were not for the fact that Butler's writing ability is intertwined with the literature on her work's substance and relevance as well as her explanations of her grammar politics. Moreover, the clarity of her 2012 work demonstrates that there is more to Butler's

work's complexity or difficulty than bad writing. While these latter texts are clear, they are by no means easy to read.

This brings us to the second layer of complexity in Butler, which is the result of the high concentration of philosophical references within her writing, in combination with her citational style. Here, it is productive to start with Nussbaum's well-known objections:

> [Butler's writing] is dense with allusions to other theorists, drawn from a wide range of different theoretical traditions. In addition to Foucault, and to a more recent focus on Freud, Butler's work relies heavily on the thought of Louis Athusser, the French lesbian theorist Monique Wittig, the American anthropologist Gayle Rubin, Jacques Lacan, J. L. Austin, and the American philosopher of language Saul Kripke. (1999, February 22, p.38)

This list also includes Derrida, Spinoza, Hegel, and of course Arendt and Adorno. The issue that Nussbaum takes is not so much with the number of sources but rather with Butler's citational style. Nussbaum argues that no audience will find what they need. Butler does not offer the background that those uninitiated to the philosophical canon would require to make sense of the argument as a whole.[5] I want to add to Nussbaum's argument that such readers are left with morsels they do understand, fragments they sort of understand, and chunks they do not get at all.

Nussbaum further argues Butler does not satisfy initiated readers because she does not situate her interpretation of the philosophical texts on which she draws nor does she address the many points of friction between the theories she uses. Considering Nussbaum's own background in philosophical thought, it is likely that she speaks of a personal frustration with Butler. Those trained in philosophy arguably expect these points of reference as they allow for philosophical cohesion and rigour. One can understand why reading Butler would create a cacophony in a philosophically trained mind. Philosophies and theories are used with no regard for the rigour of philosophy and theory.

In her essay "Can the Other of Philosophy Speak?" (2004, pp. 232–250), Butler explains that although she was trained as a philosopher, she is not one institutionally. Butler argues that her primary allegiance is to feminism and that she has not paid much attention to what a philosopher would make of her work. Philosophers are not Butler's target audience. She writes, "What I have to offer is not exactly an argument, and it is not exactly rigorous, and whether or

[5] This is also a point on which Butler has improved.

not it conforms to standards of perspicacity that currently reign in the institution of philosophy is difficult for me to say" (2004, p. 232). Butler cites authors of whose work she has a deep understanding, due to her philosophical training, but she writes for a different academic crowd and without philosophical rigour.

This style has its advantages. Defenders may argue that it allows Butler the flexibility to say what she has to say without losing the force of theory. It may allow her to produce theory in a novel manner. Butler offers her readers a train of thought that links morsels of theories and ideas in order to build theory that suggests, rather than theory that explains. But such a style also has its drawbacks. It is true that uninitiated students, or even advanced academics, who have not extensively studied the history of philosophical ideas, may have difficulty grasping Butler beyond a superficial reading. This is not to say that these readers are too stupid or lazy to "get Butler," simply that there are diverse ways to develop academic expertise. It takes years of sustained attention to become a sociologist, a political scientist, or a philosopher. Many of Butler's readers may not have read Austin or his reception with enough attention to grasp the full implications of performative gender and politics. I am among these readers. When we consider the potential struggles of these readers next to the fact that Butler explicitly aims at a non-philosophy audience, Butler's work is left with a reception prone to misunderstandings. If such issues arise, the author can be held accountable as she chooses to use a specialised vocabulary, which she does not explain, to communicate with a non-specialised audience. This audience may have sharp critical reading skills, but no amount of hard work, short of completing a PhD in continental philosophy, will allow them to understand Butler in her full depth. Had they been given some of the necessary background needed, however, they might have. I will discuss Butler's lack of philosophical rigour further in chapter three, but for now I turn to the third level of difficulty.

In an interview with Olsen and Worsham (2004[2000]), Butler addresses her "bad writing" prize. She explains that her philosophical training has passed through learning to read texts made difficult by the ways they push grammar in order to create new thinking-possibilities. She underlines Hegel's work in particular, which disrupts the subject/predicate relationship. Butler explains,

> I think there is a lot in ordinary language and in received grammar that constrains our thinking—indeed, about what a person is, what a subject is, what gender is, what

> sexuality is, what politics can be—and that I'm not sure we're going to be able to struggle effectively against those constraints or work within them in a productive way unless we see the ways in which grammar is both producing and constraining our sense of what the world is. (as cited in Olsen and Worsham 2004[2000], p. 327–328)

Butler wants to develop a critical stance towards grammar to challenge these constraints. Note the resonance with the above discussion of critique, where the author suggests looking at the systems that create differential values.

Kirby (2004) has expanded on this grammar politics in a manner that is useful here. She first notes some of the effects of grammar. Grammatical forms allow "us to ascribe locality and to separate things spatially . . . . to distinguish action from passivity and to infer an explanatory direction or sense of causality from the sentence's internal arrangement" (p. 5). In challenging these forms, Hegel blurs the lines between subject and object. Kirby argues that Butler takes Hegel's style as an enactment of the dialectic. "What first appears as one discrete thing, whether a moment in time, an event, an individual subject or a specific action, can be shown to involve what today we might liken to an infinite hypertext of nested associations" (p. 8).

Butler's grammar politics, as expanded on by Kirby, is coherent with the argumentation found in the Adorno Prize lecture, where Butler argues that a disavowal of interdependency with others and the environment as well as the resulting vulnerability are the sources of inequality. She further puts forth that critique should shed light on systems that produce uneven value. If grammatical forms produce these values, then they too must be critiqued. And as Butler believes that one must not only reject the bad life but also enact the principles of the good life, then she must resist grammatical forms, which separate subjects from objects, by using a grammar that does not.

If this reading of Butler's grammar politics holds true, then we should expect to find it played out in the text being studied here. Indeed, we do find it in the author's use of multiple "I" subject positions. Butler gains an understanding of the stakes of critique from the subject position of an ungrievable life. Not only does she place her inquiry "within the felt sense" (2012a, p. 12) of a life that is ungrievable, but she also takes on the "I" of this ungrievable life. Once Butler has determined that critique always implicates one's own life, she resumes her position as a social theorist capable of deciding between living a life that is valued or critiquing systems of values.

This slip from the "ungrievable I" to the "Adorno Prize recipient I" occurs at several points in the text and plays a key role in Butler's argument.

I have established why I use this feature as an entry point to evaluate Butler's embodiment of her good life. This grammar politics is central to her critique, an enactment of the principles she argues for. I will follow this movement in a key section of the text, to then describe the subjects of these two "I"s as well as the role each plays in Butler's text and argument.

The following analysis is based on a section from page 10 of the text. Butler has just underlined the importance of asking about which lives are grievable or ungrievable. She writes,

> Of course, this question becomes most acute for someone, anyone, who already understands him- or herself to be a dispensable sort of being, one who registers at an affective and corporeal level that his or her life is *not* worth safeguarding, protecting and valuing. This is someone who understands that she or he will *not* be grieved for if his or her life were lost, and so one for whom the conditional claim 'I would not be grieved for' is actively lived in the present moment. (emphasis in original)

Within this passage, Butler maintains the distance of a knowledgeable outsider vis-à-vis ungrievable lives. She claims that grievability is most acute for someone who is not grievable and that such an individual's immediate experience is to understand that they will not be grieved. She here first introduces the ungrievable "I" but keeps her distance by placing it between single quotation marks. Butler's paragraph continues,

> If it turns out that I have no certainty that I will have food or shelter, or that no social network or institution would catch me if I fall, then I come to belong to the ungrievable. This does not mean that there won't be some who grieve for me, or that the ungrievable do not have ways of grieving for one another. It doesn't mean that I won't be grieved for in one corner and not in another, or that the loss doesn't register at all. But these forms of persistence and resistance still take place within the shadow-life of the public, occasionally breaking out and contesting those schemes by which they are devalued by asserting their collective value.

Here, Butler's position collapses into that of the ungrievable life. The "I" is no longer kept at a distance through single quotation marks. Rather, the author considers the conditional case in which her own life would be ungrievable. From this imagined positionality, the author offers the

situated knowledge of an ungrievable life. The last sentence in the above segment acts as a buffer to the paragraph's conclusion. Here it is again, along with the concluding sentence of the paragraph:

> But these forms of persistence and resistance still take place within the shadow-life of the public, occasionally breaking out and contesting those schemes by which they are devalued by asserting their collective value. So, yes, the ungrievable gather sometimes in public insurgencies of grief, which is why in so many countries it is difficult to distinguish the funeral from the demonstration.

As the paragraph closes, Butler once again separates herself from the ungreivable life. The "I" has vanished and the author asks us to consider those ungrievable lives that gather in public rebellion. By the beginning of the next paragraph, the "I" of the text is once again the Adorno Prize winner. It begins:

> So I overstate the case, but I do it for a reason. The reason that someone will not be grieved for, or have already been established as one who is not to be grieved for, is that there is no present structure of support that will sustain that life, which implies that it is devalued, not worth supporting and protecting as a life by dominant schemes of value.

Here, the "I" is an author making a case and speaking expertly about those distant lives.

Within the section studied here, Butler places herself as the mouthpiece of ungrievable lives, effectively taking on their voice. This is significant coming from a scholar who pledges her primary allegiance to feminism. I believe that this switch between "I"s is an attempt on Butler's part to enact her principles: acknowledging interconnected lives, giving attention to ungrievable lives, and critiquing forms that produce a differential valuation of lives (e.g., grammar). Furthermore, I believe this makes Butler political. But it is not because one is political that one is living a good life. For example, Israel's occupation of the West Bank is political, but Butler believes that its current form is bad politics, which is why many have protested her receiving the Adorno Prize (see Butler 2012a, p. 9, footnote). One must assess Butler's performative politics. Let us then examine what and how this text "does."

While performative utterances cannot be true or false, there are times when "something *goes wrong* and the act—marrying, betting, bequeathing, christening, or what not—is therefore at least to some extent a failure: the utterance is then, we may say, not indeed false but in general

unhappy" (Austin, 1975[1962], p. 14, emphasis in original). Austin goes on to develop felicity conditions for various forms of performative utterances. He did not consider performative politics, and so we are left to our own devices to measure Butler's performative politics. The questions that guide this reflection are the following: Who are the author's "I"s and how do they interconnect with bodies? How do they come to be included in the text? What is their role? What is their effect?

Butler describes ungrievable lives in many ways. She also explains that there are different modes of precarity and of ungrievability. Here is her description of these lives throughout the text being studied:[6]

> "Whose lives do not matter as lives, are not recognizable as living, or count only ambiguously as alive" (p. 10); "dispensable sort of being" (p. 10); "life not worth safeguarding, protecting, and valuing" (p. 10). These are lives with no certain access to "food and shelter", "no social network or institution" (p. 10) to catch them. They are "tenuous, precarious" (p. 10). They are not eligible for "social and economic support, housing, health care, employment, rights of political expression, forms of social recognition, and the conditions for political agency" (p. 10). They are modes of precarious being such as "economic abandonment and dispossession" (p. 12); "social death" (p. 12); "belong[ing] to imprisonment without recourse to due process" (p. 12); "living in war zones or under occupation" (p. 12); being "exposed to violence and destruction" (p. 12); or being "dispensable or expendable workforce" (p. 12).

The above excerpts capture in part the ungrievable "I" that Butler takes on. Its role in the text is to give focus to the ungrievable and otherwise unvalued lives, to illuminate the stakes of critique "from within the felt sense" (p. 12) of that life, and to create an interdependence with Butler's "I."

Butler's second "I" is one that takes distance from ungrievability and precariousness. It is an "I" that ponders the good life, the "I" that claims "I am most honoured to be here on this occasion to receive the Adorno Prize" (2012a, p. 9). It is a scholar's "I" that makes its case and shares its views. The role of this "I" is to address Adorno's question on the good life. The inclusion of this "I" in the text is relatively straightforward. Butler is a successful scholar, credited as a foremother of queer theory (Hall and Jagose, 2013), "invoked time and again in

[6] Quotation marks indicate exact quotations and the rest of the excerpts are paraphrased in the interest of conciseness.

passing statements about what has happened in Western feminist theory" (Hemmings, 2011, p. 177), and one of the stars of French Theory (Cusset, 2005[2003]). This is Butler's "I."

The question that remains is how does the precarious "I" enter the text? Butler's past? This would only explain it in part. After all, she would need to have access to several voices in order to take on the voice of multiple modes of precariousness. As Butler herself points out, a life that cannot access what it needs to survive (e.g., food or shelter) will find it difficult to have a public voice. So where does Butler find these lives? How does Butler come to understand how they feel? How does she enter into their felt sense in order to author their thoughts? This line of questioning is especially pertinent for a text that specifically addresses how one might act in a good way, live morally and ethically, and above all recognise our connections to bodies.

But readers cannot answer the above questions because Butler does not tell us. Her work does not examine how her body—open to exteriority and already other—comes into contact with the hungry bodies that feed her thought. I agree with Butler that bodies are interconnected, but how? There is a parallel to be drawn between Butler's inclusion of other bodies and her inclusion of philosophical ideas. In both cases, she omits information that would allow the reader to assess her interpretations and her work more generally: in the first case, her interpretation of contentious texts; in the second case, the ethics of her multiple voices. But, whereas she inspires confidence in a philosophical background that allows her to work with difficult texts, she appears to have no empirical training. She has taken the time to get to know Arendt and Adorno intimately, but has she done the same for precarious lives? Let me put it another way: Had Butler included philosophical ideas in her work after reading only the book covers of Hegel and company, would she be a leading scholar? Why would we allow her to include precarious lives without a sustained engagement with diverse vulnerable voices? Butler's inclusion of vulnerable populations would not pass a standard ethics board's criteria. And I do not think it far-fetched to call on theory authors who want to include precarious lives in their scholarship to start passing in front of such boards.

Namaste (2009) has made a very similar argument in relation to Butler's work and trans women. She explains, "If her theoretical work relies upon and appeals to the empirical, it is appropriate . . . to consider the nature and extent of the empiricism offered. The weakness of Butler’s argument, in my view, is a function of an underdeveloped empirical approach" (2009, p.22).

There are a few points on which I agree with Butler. I believe that living the good life (*eudaimonia*) requires us to develop a living practice of critique, to resist the temptation of the bad life, and to extend critique to encompass those lives that dominant systems ignore. But does Butler live up to the good life? No. Her scholarship has a tragic flaw, which becomes evident when we apply her own value system to her work. To take on grammatical interconnections without interconnecting bodies is done at the expense of solidarity. Butler does not take the same care in getting to know people as she does books. Critique will remain abstract as long as it is developed in abstract, in a state that disavows bodies. Scholars need to tend to the concrete, and we need more than smart critique. But doing these things is difficult. In disavowing the body, we gain authority. Part of the puzzle is finding a way to take people as seriously as we take other scholars. Can we take regular actors as seriously as we take our scholar-selves? Can we enact a scholarship as actors? The rest of this chapter will attempt to address these questions and explain this project's positions on ontology, epistemology, scholars, and actors.

Critique

Structuralism's legacy.

Engaging substantially with people's lives is an important part of taking actors seriously, but the place of actors in social theory is nevertheless far from evident. Butler's failure demonstrates that the boundaries between actors and scholars as well as between scholar-self and actor-self are produced in both writing and research practice. This challenge takes a particular form in the social sciences inspired by structuralism. Already, claiming that meaning is hidden from everyday experiences sets the stage for a disembodied scholar. Worse still, structuralist inquiry tends to force a question that cannot be answered from a point of view: What is the relationship between structures and actors? I will review Bourdieu, Boltanski, and Latour in order to better understand the problem at hand.

In an interview included in *Choses dites* (1987), Bourdieu explains that he has been influenced by structuralism, but also suspicious of it. Talking about changes in French academic

culture in the 1960s, he explains, "*Le structuralisme a été très important. Pour la première fois, une science sociale s'est imposée comme une discipline respectable, voir dominante*" (p. 16). For Bourdieu, Lévi-Strauss had managed to ennoble the science of man and to position linguistics as the master science, with which even philosophers had to engage. The work inspired by this move—archaeology, grammatology, semiology—were attempts to blur the line between philosophy and science. But Bourdieu is resistant to approaches that combined the two:

> *Je n'ai jamais eu beaucoup de sympathie pour ces reconversions à demi qui permettent de cumuler au moindre coût les profits de la scientificité et les profits attachés au statut de philosophe . . . . pour ma part, tout en travaillant à mettre en œuvre le mode de pensée structural ou relationnel dans la sociologie, j'ai résisté de toutes mes forces aux formes mondaines du structuralisme.* (1987, p. 16)

In particular, Bourdieu has resisted the mechanical nature of structural enterprises.

After conducting ethnological research during the Algerian war, Bourdieu returned to his home province of Béarn, France. Comparing the two experiences proved formative. While in Algeria, Bourdieu (2008) would try to imagine how his interlocutors saw him, by thinking about the ways a Béarnaise man would see a foreign researcher and the kinds of stories he would tell in consequence. Such a man would see a stranger who was well put together and civil. His stance would be protective and formal, and his stories would be about official values and honour. He would not share gossip or stories of everyday life. Indeed, this was how Algerians treated Bourdieu. Once back in Béarn, Bourdieu could cut through such formal talk and relate to his interlocutors as an indigenous community member. Locals related to him more as a peer and shared more of the gossip. Bourdieu explains,

> *Les deux modes de discours font également partie de la réalité. Et il serait absurde de privilégier le discours ordinaire, que l'on peut tenir entre soi, comme plus vrai, plus authentique, par rapport au discours formel, en forme, des situations extraordinaires, parmi lesquelles la relation d'enquête comme rapport avec un étranger. Les deux sont vrais. Mais l'ethnologue, s'il ne se méfie pas, a toutes les chances de n'en connaître qu'un seul.* (2008, p. 272)

These two modes of discourse, the ordinary and the formal, play a central role in Bourdieu's thought. The distinction he makes between them and his desire to combine them into one reality is further developed in his work on subjectivism and objectivism as well as practical and

objectivist relations to the world. Overall, this work exemplifies how multiple epistemologies coexist. I will return to these points later.

While observing Kabyle communities, Bourdieu gained an appreciation for the ways people relate to matrimonial rules. He found that what was considered to be a typical marriage in the Arabo-berbère culture only occurred in a small number of cases (1987).[7] People's relation to the rule occurred in a larger strategic context that took into consideration not only genealogical relations, but also their families, their individual and collective histories, the ages and physical appearance of the individuals being married, and the marriage negotiation process (1980, pp. 31–32). Structuralist interest in the rules of marriage (e.g., Lévi-Strauss, 2002[1947]) is an example of a larger trend of examining the *opus operatum* instead of the *modus operandi*—the final product instead of the means. In order to take practice into account, Bourdieu prefers to examine matrimonial strategies in lieu of matrimonial rules.

This discussion leads to a second observation of interest. Boudieu (1980) noticed a slippage that occurs in objectivist work, especially structuralism, around the notion of *rule*. A rule can be a regularity in practices, a model constructed by science to account for practices, or a norm. The slippage between the three allows structuralism to gloss over its relationship to its object. Bourdieu explains,

> *Passer de la régularité, c'est-à-dire de ce qui se produit avec une certaine fréquence statistiquement mesurable et la formule qui permet d'en rendre raison, au règlement consciemment édité et consciemment respecté ou à la régulation inconsciente d'une mystérieuse mécanique cérébrale ou sociale, telles sont les deux manières les plus communes de glisser du modèle de la réalité à la réalité du model.* (1980, p. 67)

Bourdieu argues that this slippage reifies abstractions, that is, moves from substantive to substance.

Building off of observations like the ones above, Bourdieu (1987) makes the case that structuralism is limited because it does not investigate the consequences of its objectivist aims. He argues for attentiveness to "*les présupposés objectivistes—comme le privilège de l'observateur par rapport à l'indigène, voué à l'inconscience—qui sont inscrits dans l'approche structuraliste*" (1987, p. 18). He is highly critical of structuralism's objectivist stance, in which

[7] Marriages to a parallel cousin—in which a man marries his paternal uncle's daughter—occurred in 3-6% of cases (1987, p.16).

the researcher "*se pla*[*ce*] *d'un point de vue objectiviste, celui de Dieu le Père regardant les acteurs sociaux comme des marionnettes dont les structures seraient les fils*" (1987, p.19).

Bourdieu attempts to redress structuralism's shortcomings by bringing actors back into the equation (as more than executions of a structure), by rethinking the relationship between the symbolic order and the world (and how structures can evolve), examining the *modus operandi*, and addressing the objectivist presuppositions that position researchers as better than the actors they observe. But, importantly, he wants to do all of this without falling back into subjectivism, naïve humanism, or individualism. To this end, he has developed his concept of *habitus*. Habitus refers to the "*systèmes de dispositions durables et transposables, structures structurées prédisposées à fonctionner comme structures structurantes*" (1980, p. 88). It is an interiorisation of the exterior (p. 92). It bridges the individual's and the collective's history, developing in a homologous fashion amongst a class with similar experiences.

Bourdieu's views on structuralism also push him towards reflexivity, an approach that addresses the practical relationship of researcher to object. Sociologists objectify their object, but Bourdieu proposes a second objectification: that of the researcher's relationship to their object. The models intellectuals produce are not the equivalent of the world they attempt to represent, but this point is forgotten, which creates an intellectual bias (Bourdieu, 1990). The notion of reflexivity is discussed at length in the second half of this chapter, but for now, one can simply note that a researcher is not *Dieu le Père.*

One of the most interesting aspects of Bourdieu's work is that he was accused of doing almost exactly what he argued against. For Boltanski (2009), critical sociology, associated with the work of Bourdieu, describes domination as a means towards emancipation. This sound grounding in description is the strength of this approach, but it also limits its ability to offer critique because it is too far removed from actors' experiences. Critical sociology involves a theory of domination with too great a span. Domination is everywhere, even in situations that are not experienced as such by their actors. According to Boltanski, the position that domination is far reaching has several consequences: Critical sociology underestimates actors' capacities. In addition, attention is placed too heavily on dispositions and structuring forces (habitus), and not enough on the situations in which actors find themselves. Third, an asymmetry is created between the all-knowing researcher and the duped actor:

> *Creuser l'asymétrie entre des acteurs abusés et un sociologue capable—et, semble-t-il, dans certaines formulations, seul capable—de leur dévoiler la vérité de leur condition sociale. Ce parti conduit à surestimer la puissance de la sociologie, en tant que science, seul fondement sur lequel le sociologue puisse appuyer sa prétention à en savoir beaucoup plus sur les personnes qu'elles n'en savent elles-mêmes. La sociologie tend alors à être investie du pouvoir exorbitant d'être le principal discours de vérité sur le monde social, ce qui la conduit d'ailleurs à entrer en compétition avec d'autres disciplines prétendant au même impérialisme.* (2009, p. 43)

What is more, Boltanski argues that critical sociology moves too quickly to the structuring categories, which the social sciences pose as the truth. In other words, Bourdieu's sociology takes its object of study as already made. For all of the reasons above, critical sociology cannot fully account for action.

In sum, Bourdieu argues that structuralism ignores the work of actors, is too mechanical, views actors as simple expressions of a structure, and creates an asymmetry between actors and researcher. He is then accused by Boltanski of ignoring the capacities of actors, being too mechanical in his explanations of structuring forces, and creating an asymmetry between actors and sociologists. I agree that there is a tension in Bourdieu's explanation of sociology between his role in revealing structures of thought and his position that sociologists are not god. Moreover, Bourdieu has had to constantly defend himself against the above criticisms. Sometimes these critiques have comes from former collaborators such as Boltanski, other times from places of hostility, as in Latour's work. Boltanski and Latour each offer an alternative sociology, to which I now turn.

Boltansksi (2009) started off as a disciple of Bourdieu's critical sociology. However, he was unsatisfied with this approach for the reasons outlined above. He left the Bourdieusian school to help develop a pragmatic sociology of critique. This alternative sociology does not start from "*un monde social déjà fait,*" but rather from the "*monde social en train d'être fait*" (Boltanski, 2009, p. 75). The pragmatic sociology of critique attempts to takes actors seriously, by examining their capacities in moments of conflict or controversy. Boltanski writes, "*La sociologie atteint alors son objectif quand elle donne un tableau satisfaisant des compétences sociales des acteurs*" (2009, p. 49). His sociology first describes actors engaged in conflict, then

produces a model of conflict. Such an approach gives a different perspective on actors than does the work of Bourdieu. Boltanski explains,

> *Ils étaient toujours actifs, et non passifs. Ils étaient carrément critiques, et même critiques un peu à la façon des sociologues critiques, ne cessant de dévoiler les intentions et les travers cachés de leurs adversaires—souvent rapportés à leur position sociale—, en mobilisant, à cet effet, des schèmes empruntés à la sociologie critique, diffusés par l'enseignement ou par les médias. Il faisaient valoir leur revendications, dénonçaient des injustices, produisaient des preuves à l'appui de leurs plaintes ou forgeaient des arguments pour se justifier face aux critiques dont ils faisaient eux-mêmes l'objet. Envisagé de ce point de vue, le monde social n'apparaît pas comme le lieu d'une domination subie passivement et inconsciemment, mais plutôt comme un espace traversé par une multitude de disputes, de critiques, de désaccords et de tentatives pour réinstaurer localement des accords toujours fragiles.* (2009, p. 51)

Advocates of this approach had hoped that a normative foundation for critique would emerge from descriptions of actors' use of conflict/judgement mechanisms. Boltanski explains,

> *En adoptant le point de vue de l'acteur, le sociologue peut, en effet, jeter sur le monde un regard normatif, sans que ce dernier ne soit orienté ni par ses a priori personnels (liés, par exemple, à une appartenance culturelle ou à un engagement politique ou religieux spécifique) ni par l'adoption d'une philosophie morale substantielle.* (p. 56)

A shortcoming of this approach, according to Boltanski himself, is that its proximity to actors limits its capacity to incite change. To understand this shortcoming, I will detour through Boltanski's ontology and epistemology.

Boltanski (2009) makes an analytical distinction between sociologies of description and sociologies of critique. This distinction is based on the separation of facts and values. The author argues it is impossible to separate facts and values, but that to put aside this distinction would risk destroying science (see note 8, pp. 243–244). Description is the primary activity of standard sociology, which takes societies as its objects of study and which is based on axiomatic neutrality. Description is performed from a position of what Boltanski calls *simple exteriority*, that is, the stance of an expert who takes distance from their object and who follows an established protocol. In contrast, sociologies of critique describe social orders, namely to produce

theories of domination. They are based in part on description but hold a more complicated stance on axiomatic neutrality. Theories of domination, which take social orders as their objects, must be premised on a *complex exteriority* that produces not only the stance of an expert but also the means with which to judge the value of a social order. The result is *metacritique*.

Ordinary critique is formed in the everyday flux of life to address problematic dimensions of social relations, but without problematising the larger context. It is made from a point of view. In contrast, metacritique does address the larger context by offering a theory of domination. Whereas ordinary critique is the work of ordinary actors, metacritique is performed by social scientists. A metacritical undertaking is always at risk of being equated to a point of view. Its practitioners must thus find a way to offer critique that is relatively close to the everyday moral positions of actors while keeping enough autonomy to claim complex exteriority. If critique goes too far in the first direction, it will not be founded on a scientific discourse of truth. If it goes too far in the second direction, it loses its relevance.

One way to compare critical sociology (Bourdieu) and the pragmatic sociology of critique (Boltanski) is through the way each attempts to find a balance between science and actors. Boltanski accuses critical sociology of presenting an overhead view of the world, distant from the capacities deployed by actors in their daily lives. On the other hand, the pragmatic sociology of critique takes actors seriously, but it remains imperfect:

> *Nous nous trouvons donc confrontés, du côté de la sociologie critique, à une construction ouvrant la voie à des possibilités carrément critiques, mais qui se donne des agents assujettis à des structures qui leur échappent et fait l'impasse sur les capacités critiques des acteurs. Et, du côté de la sociologie pragmatique de la critique, à une sociologie vraiment attentive aux actions critiques développées par les acteurs, mais dont les potentialités critiques propres paraissaient assez limitées*. (2009, p. 75)

For Boltanski, the solution is to bring these two sociologies together, something he attempts to do by examining institutions and critique. I will come back to these two notions, but first I will identify a tension that emerges from Boltanski's work.

There is an odd tension in Boltanski's explanation of his sociology. On the one hand, he is critical of the asymmetries caused by Bourdieu's sociology. On the other hand, he is adamant that his critique, as a sociologist, is superior to ordinary critique. He offers metacritique when

everybody else is stuck in their point of view. The closest ordinary actors can get to metacritique is when they, as claimed by the Boltanski quotation on page 42,[8] mobilise metacritique borrowed from sociologies of critique. This oddity is linked to both Boltanski's belief that science will crumble if we put aside the fact–value distinction and his need to ensure that his critique has weight in the world. This tension only deepens when we consider the rest of his sociology.

It is useful for my project to expand on Boltanski's (2009) explanation of ordinary critique. He starts with a distinction between reality and the world. Reality is what is real to us; it is the version of "what is" that sticks. The world is larger than this—it is pure immanence, in constant flux, and impossible to represent. As such, it holds power over reality. This is where critique comes in. Critique calls upon the world to challenge the realness of reality. Reality is in fact quite fragile, and it needs the means to continually reaffirm itself in order to endure. Institutions take on this role.

For Boltanski, institutions' primary dimension is not organisational or administrative but semantic. They affirm reality through qualifications in which the link between symbolic forms and the state of things is fixed. Through this affirmation, institutions assign values to categories and distinguish their proper and improper uses. Institutions play an important role in conflicts. Because actors are situated (i.e., have bodies), they can only have a point of view on the world. In order to resolve conflicts, they must call upon institutions, beings without bodies. In this sense, institutions have a pacifying role. But at the same time, they are violent because they foreclose other possible versions of "what is."

Institutions are destined to a hermeneutic contradiction. In order to be embodied in the world, they need actors as spokespeople. But these actors are situated, while institutions are predicated on being exterior to points of view: the situated unsituated. This hermeneutic contradiction is part of a larger contradiction between the semantic and the pragmatic: on the one hand a symbolic order (language), on the other hand the state of the world (the world-as-is). The distinction between the two is not visible to actors who are completely submerged in reality. For them, it "just is."

Boltanski (2009) argues that most of life is spent in a pragmatic mode, in which actors act together towards some future, tolerating minor deviations from *what is* or *should be* (points of

[8] "*Ils étaient carrément critiques, et même critiques un peu à la façon des sociologues critiques, ne cessant de dévoiler les intentions et les travers cachés de leurs adversaires—souvent rapportés à leur position sociale—, en mobilisant, à cet effet, des schèmes empruntés à la sociologie critique*" (Boltanski, 2009. p. 51).

reference and rules). But at times, actors come into conflict, which takes them out of the pragmatic mode and into a metapragmatic mode. Here, through a reflexive motion, they question the relationship between a symbolic order and the world. Two kinds of reflexive motions are possible. The first is confirmation, which simply reaffirms that "what is" is. The second is critique, which challenges the reality of "what is."

Reflexive motions occur through three kinds of tests. The first are tests of truth, which repeatedly reaffirm reality, often through quasi-tautological statements: "what is, is." For example, "the law is the law." The first test merges the symbolic order "law" with the state of the world "law." In contrast, the second set of tests, tests of reality, can lead to critique. Boltanski calls this reformist critique because it does not challenge the foundations of reality but rather calls upon the world-as-is to better conform to reality. For example, "We should better enact the principles of justice." Third, there are existential tests, or radical critiques. These are based in lived experiences of the world, which are used to challenge the realness of reality. Proponents of existential tests risk being accused of being subjective, or simply stating their point of view. But for Boltanski, they offer a door to the world. If there is a *montée en généralité*, whereby others come to accept the critique, then existential tests can be successful in dislodging reality.

The hermeneutic contradiction that makes confirmation and critique both possible and necessary is inevitable. In such a context, Boltanski suggests that the sociologist's role is to reinforce the capacity of actors to perform critiques in the world. He defines domination as a sustained pattern, through which the means to challenge the reality of the world are suppressed.

Albeit attractive, Boltanski's position does cause some problems. Boltanski argues that actors cannot transcend their point of view but that they are destined to try. He also positions sociologists as taking on a complex exteriority to their own point of view, but being destined to fail. However, scholars can never fully admit to this failure. In his argument, Boltanski thus recreates the hermeneutic contradiction. While I believe he is aware of what he is doing, he remains nonetheless unwilling to relinquish his authority over actors. While actors are empowered to perform ordinary critique, metacritique is only considered in relation to sociologists. Ultimately, Boltanski wants to have the last word. He bases his arguments on science, an institution if ever there was one, to claim complex exteriority. But all institutions are based on the noble myth of being unsituated.

By trusting sociologists to form a metacritique with a stronger truth value than the actors' ordinary critique, Boltanski reproduces the same asymmetry between sociologists and actors that he first argued against in discussing critical sociology's shortcomings. Why not admit that ordinary actors can perform metacritique, or that it can be justified for sociologists to perform ordinary critique? Ordinary actors are at times intellectuals, and intellectuals are at times ordinary. However, it is hard for intellectuals to admit that we are no wiser than any other actor. To write what we write, we must believe what we say and try to convince our readers to do the same. What happens when we refuse to elevate the sociologist's critique above that of actors?

Latour (2005) goes further in his rejection of critical sociology. Like Boltanski, he argues that the principal error of sociology has been to take its object of study for granted—in other words, as already existing in the world. But he also argues against creating a framework or providing grand social explanations—against metacritique altogether. Latour turns to actors, but he also argues that sociology has limited the number of actors considered. He thus extends the role of actor to objects (of nature or technology). He traces the assemblages of actors as they shift over matters of concern (conflicts). As nodes connect to one another, they create a network (actor network theory). These nodes can have different functions: to relay or to transform relations. For Latour, there is no structure. Points in the network connect to other places and times (locals), creating a sense of structure when in actuality there is nothing beyond connections.

Because there is no "social" beyond assemblages, sociologists must thus attempt to remain as flat as possible in their analysis, leaving scaling to actors. Latour suggests that sociologists should become "myopic"—that they focus on what is right in front them. In applying this practice, Latour completely removes any asymmetry between actors and sociologists. The sociologist is not in a privileged position to critique and in fact should avoid it.

Answering past criticisms, Latour suggests that sociologists who take the world as ready-made offer no possibility of politics. If society were already settled, then politics would be impossible. Sociology is political for Latour when it collects new assemblages. He writes, "to study is always to do politics in the sense that it collects or composes what the common world is made of" (2005, p. 256). Along with other social and natural sciences, sociology's collections increase the number of actors. After tracing the assemblages, argues Latour, sociologists can consider assemblies of actors. Whereas Latour can certainly insist this approach is political, his explanation will not satisfy sociologists dealing with the needs of individuals who have no food

or shelter. Latour states, "Every science is also a political project—the mistake is to interrupt the former because of the urgency of the latter" (2005, pp. 259–260). But one could just as easily argue the opposite: Latour's science is getting in the way of politics.

Moving forward.

While my project is not one of social theory, the ideas of Bourdieu, Boltanski, and Latour offer food for thought. The previous section started to put these three sociologists into conversation by reviewing their stances on sociology, ontology, epistemology, and critique. Now, it is possible to deepen some of these points and relate them to my own work.

One of the principal contributions Bourdieu makes is to distinguish between the knowledge needed in a practical mode versus the knowledge created by sociologists. He gives the example of a father looking for the best school for his daughter versus an examination of the French school system (in Bourdieu and Wacquant, 1992). As will be seen in chapter two, policy studies makes a similar division. Lasswell (1951) distinguishes between knowledge *for* policymaking and knowledge *about* policymaking. The knowledge that is created about policymaking is not of the same kind as the knowledge produced to assist policymakers. For example, one might create a model of policymaking stages including, for example, design and evaluation. But a policymaker attempting to design an affordable housing model will need economic analysis, research about the state of housing precarity and homelessness, and so forth. Policy studies brings together theoretical and practical modes of knowing. However, this field centres on policymakers' practical knowledge needs—part of the field's government bias. To counteract this bias, my project includes, with the help of Bourdieu, the knowledge needed by actors to manage the role of public policies in their lives. And with Boltanski, I add an appreciation for the capacities of actors in their dealings with policies. This dissertation will develop reflections about these various modes of knowing and acting throughout.

There is an element of Bourdieu's work with which I am uneasy. It can be seen in his oft-used example about players in a soccer game:

> *Celui qui est engagé dans le jeu, pris par le jeu, s'ajuste non à ce qu'il voit, mais à ce qu'il pré-voit, à ce qu'il voit à l'avance dans le présent directement perçu, passant la*

> *balle non au point où se trouve son partenaire mais au point que celui-ci atteindra—avant l'adversaire—dans un instant, anticipant les anticipations des autres, c'est-à-dire, comme dans la feinte, qui vise à les déjouer, des anticipations d'anticipations. Il décide en fonction des probabilités objectives, c'est-à-dire en fonction d'une appréciation globale et instantanée de l'ensemble des adversaires et de l'ensemble des partenaires saisis dans leur devenir potentiel. Et cela, comme on dit, sur-le-champ, en un clin d'œil et dans le feu de l'action, c'est-à-dire dans des conditions qui excluent la distance, le recul, le survol, le délai, le détachement.* (1980, p. 137)

Bourdieu distinguishes the scientific practice from the practical sense. The *scientific practice* is detemporalised—as it is accomplished after the fact, taking into account variables from various time points, but also because it is performed by an observer that is not invested in the "game." In contrast, the *practical sense* is like the above quotation, played out in the immediacy of life.

While getting to know trans networks and doing interviews with trans people, it has indeed become apparent that trans people's knowledge of policy differs from my own as a policy analyst, although not from my know-how as a policy user. Furthermore, trans people often have to act in anticipation. Some have a better know-how for policy and consequently have a higher rate of policy success. But the "game" of policy is not always urgent. There are moments when trans people develop knowledge of policy for future use. Examples include consulting with other trans people who have already passed through a process such as legal name change, being informed by a bureaucrat of the rules surrounding discretionary fund allocations for surgical aftercare, or receiving a community leader’s advice on the best way to approach a policy encounter. But the only room Bourdieu leaves for objectifiers belongs to sociologists.

Boltanski builds nicely on Bourdieu's work. His attempt to take actors seriously by centring on how they deal with conflict (judgement and critique) offers a means to explain those moments when people come out of the practical mode. Boltanski focuses on conflict management, and this is certainly a big part of policy encounters, but my focus will be wider. While Boltanski is interested in the semantic dimensions of conflict and justification, I want to know what trans people do to survive. I appreciate Boltanski's suggestion that sociology should model the work of actors, and that sociology is complete when it offers a model of actors' work. My dissertation takes a similar route by attempting to create the first version of a model of policy capacities employed in policy encounters. Finally, in parallel to Boltanski, who argues that

sociologists should aim to increase actors' capacities for critique, I believe that policy analysis for policy users should increase people's ability to manage policy in their own lives.

A second contribution of Bourdieu's work is to identify a slip that occurs in structuralist thought, and specifically Lévi-Strauss' work, between regularity, models, and norms. This point offers food for thought about the patterns I found in my own work in policy studies, trans studies, and trans networks. The transness framing in trans studies (presented in chapter three) occurs at an astonishingly high frequency, more so than in trans networks (presented in chapter four). The framing in trans studies is also more homogeneous than the framing in policy studies (presented in chapter two). I do not know how to model this without ontologising the model. What is more, modelling the relationship between structuring forces and agency does not interest me. The attempts of both Bourdieu (habitus) and Boltanski (institutions and critique) are impressive. However, at most, we can theorise a habitus-style black box or an institution-black box-critique model—that is, an unknown process of stasis and change, which lies beyond the reach of even the most careful intellectual gaze. I believe the process of stasis and change is something we must learn to do, not model.

A third contribution of Bourdieu's work is a focused analysis regarding the relationship between objectifier and object. I will return to this relationship in the next section on reflexivity, but for now I want to point out that, contrary to Bourdieu's suggestion, the objectifier is not always an intellectual, philosopher, or sociologist. I am not sure the distinction between actors and sociologists should be placed at the level of epistemic structures. Nonetheless, the corollary to Bourdieu's argument is paramount: no one can escape their points of view. Bourdieu does believe, however, that one can work towards an objective stance. Bourdieu offers the best explanation of a normative enterprise—to work towards objectivity without ever obtaining it. But Boltanski offers a better explanation of why objectivity is unattainable.

Like Bourdieu, Boltanski offers an explanation of why reality can never represent the world in flux (both authors borrow this distinction from Wittgenstein). His point that the world has power over reality is a good answer to the problem identified by Bourdieu, namely that structuralism ignores the relationship between structure and the world-as-is. I use this ontology to situate my critique (which I am happy to position as ordinary). As much as I take from Boltanski, I strongly disagree with his normative assumption that facts and values must be separated in order to preserve science and that sociology must base itself on this science to offer viable

critique. The noble lie of the pretence of objectivity, despite knowledge to the contrary, does not add up within the context of a sociology that critiques domination. I think a more productive solution is to examine the academic pressures put on scholars to play this game. As Bourdieu might say, we have to play the game in order to participate in the field—unless, that is, we have the capital to change the rules of the game.

Boltanski does, however, open the door for a discussion of the discursive practices that appease the scientific community:

> *. . . l'accumulation des signes extérieurs d'impersonnalité (le "nous" ou le "on" se substituant par exemple au "je"); la multiplication des références à d'autres chercheurs inconnus, dont on ne veut rien savoir par ailleurs, et dont les travaux dispersés ne sont plus identifiés que par un nom, accompagné d'une date, et pour se montrer précis, d'un numéro de page, le tout enfermé dans la stèle funèbre d'une parenthèse* . . . (Boltanski, 2009, p. 36)

According to the author, these markers put into discourse the scientific practice; they are there to solidify the scientificity of the argument. Other practices might be length and complexity of writing or, as I will examine below, the practice of situating the author.

In addition to the points already addressed, Boltanski makes several contributions. His discussion of critique supports my own project. I agree that critique is to say "what is" of what is. I especially like Boltanski's explanation of ordinary critique as that which calls on us to better conform the world-as-is to our principles or which uses experiences to dislodge the real. This project follows this ordinary critique, not for the sake of challenging reality, but in order to make space for experiences. I get off the Boltanski train before it moves towards metacritique, however. In order for critique to win over reality, there must be a *monté en généralité;* then the new "what is" sticks. Metacritique is a scholar's attempt to control the *monté en généralité*, assuring that their voice is taken with more consideration than that of ordinary actors, and in consequence that it will be accepted by other actors. But our critique as scholars is not superior to that of actors. We are actors. Instead of fearing the accusation of having only offered a point of view—which is inevitable when dealing with controversial topics no matter how cogent the argument—I find it more productive to expand on the steps taken to challenge our points of view, the strategic challenges we pose to our perspectives in order to, as Bourdieu argues, move towards objectivity. Throughout this process, we know we will not achieve objectivity. In

Boltanski's terms, it comes down to critiquing reality, forming new reality, and not basing this reality on the noble lie of complex exteriority. The *monté en généralité* cannot be rigged.

Latour helps hammer the last nail into theories of domination's coffin. He has the most ambitious project of the theorists discussed here in that he creates a version of sociology that is not based in perceptions of the world but in a logical realm.[9] In presenting this alternative ontology, he pushes the reader to think in new ways. He makes a bold claim: there is no structure, society, or framework. Unfortunately, he then maintains that he has understood what nobody before him could and has developed the true version of sociology. I mention his arrogance not to attack his character nor to distract from his ideas, but rather to point out a life lesson I learned reading Latour: Try not to be so arrogant. Latour offers an interesting version of sociology, but it cannot become the only sociology. Another lesson I learned was that it is better to add to a field's models than to claim authorship for *the* new model of an entire field.

Latour's sociology is an interesting take on structuralism. Part of his anti-humanist strategy is to bring in non-human actors. These actor-units play several functions as they enter into relationships with other actor-units to make the world move. Such a framework is intellectually thrilling, but practically unfeasible in the context of my project. My thought experiments that attempted to adapt this sociology to my project never made it very far. This ontology brings with it the challenge of mapping out assemblages. With so many actors and connections, including connections to actors in different localities, it is impossible to grasp a large enough section of this web to say something of value about trans people and policy. While Latour's ideas are beautiful, there are limits to human cognition.

Out of the three sociologists discussed in this section, Latour is the most successful in arguing against structures and society; everything is connected and nothing lies beyond. With this idea, he offers an important warning against ontologising structures. However, as Boltanski points out in his explanation of the hermeneutic contradiction, no explanation of the world occurs without an ontologisation of something that is not there. Are scholars, then, to ignore patterns in the way we think about trans people, simply because describing such patterns would ontologise their regularity into structure?

[9] Bourdieu objects to this aspect of Latour's work. He accuses Latour of playing in a field of semiotics without concern for practice (2001).

Finally, I must address Latour's rejection of reflexivity and critique. My project has put me in contact with people dealing with enormously difficult situations: violence, struggles for access to food and housing, isolation and rejection, and discrimination in every form. To remain without critique in such a project would be cold. I could not help but be moved by such stories, and luckily so, as anti-humanism should not imply a lack of humanity and empathy. Otherwise, there is a chance that a project will offer nothing beyond science for science's sake. To be fair, Latour's argument must be considered in its proper context (a project that is very different from mine) but also as a reaction to thinkers like Bourdieu and Boltanski who attempted to create overarching and authoritative models of domination. I agree with Latour that such models are impossible to create. But still, I hold on to my ordinary critiques.

The above section explains in general terms what I take from these authors, but I also want to offer readers a sense of how I translate all of this into my project, and in particular my views on the roles of scholars, ontology, epistemology, and taking actors seriously. First, scholars can have many roles, but I have chosen to take on a living practice of critique. I put into practice a mode of scholarship that does not shy away from offering critique, that is challenging the realness of the world. This challenge can take the form of ordinary critique, for example in pointing out that more funding is needed for social housing (chapter six). It can also be metacritique, as in chapter three when I explain how the transness framing is preventing important critique. While the argument in chapter three is critique of critique (and thus metacritique), I attempt to resist the urge to place my critique above that of other actors. In the place of complex exteriority (or even simple exteriority), I will use reflexivity to examine the relationship between points of view and objects, which comes down to multiplying one's points of view within, instead of claiming exteriority.

Performing critique involves reaching out to the points of view and perspectives of actors. This engagement must be substantial, unlike Butler’s. As scholars, we do not get to deduce how others feel and see the world; we must literally connect to them. Our interconnections with actors should mark our scholarship, even if that means letting go of some of our scholarly perspective. Actors are not simply the results of structures. They relate to regularities and rules; they devise strategies to resist and survive. A scholar should be able to account for actors' skills and strategies, and to support them. Indeed, we should work towards becoming the epistemological equals of actors. Reflexivity is paramount to realise this goal as well.

The distinction made by Bourdieu and especially by Boltanski between the world-as-is and the world-as-is-to-us is important. As Boltanski explains, any reality is fragile (including critiques). Our know-how and knowledge of the world are not the same as the world. Not all "realities" are equal, and there are multiple "realities" within the world in flux. This ontology is the result of different points of view creating different perspectives, of various modes of knowing such as know-how and knowledge about, and of actors taking up formal and informal modes of discourse (as in Bourdieu).

Such a complex ontological and epistemological field requires a humble approach that admittedly is frowned upon in academia. It implies that no *one* sociology can be *the* sociology. This lesson can be transposed onto policy studies and trans studies. For example, in chapter three I critique the transness framing. My argument is not that the current transness framing is worthless, but that its monopoly in the field is problematic. Another example is that I argue that critique and reflexivity are useful for scholars, but I am not stating that all sociologists, policy scholars, and trans studies scholars must adopt this methodology. At the same time, I believe that the critiques I offer are important and I argue strongly in their favour. In brief, proper critique must find a balance, and this is another reason that reflexivity is important as critique.

Reflexivity

Academic work contains the biases of those who produce it. Feminist scholars, among others, have underlined several biases in academic disciplines including natural sciences, social sciences, and feminism related to gender, sex, sexuality, class, and race (e.g., Harding, 1993; Haraway, 1988; de Lauretis, 1991; Lorde, 1984). Beyond identity, scholars have looked at assumptions of knowledge. Bourdieu's call for sociologists to objectify their relationship to their object is one example. Another is the postpositivists in policy studies who have taken aim at the ways that positivists' work masks the values guiding their practice (Bacchi, 1999; Fisher, 2003a). These biases and values play a role in judgement and thus impact what an academic studies, how they study it, and how they write about it. For this reason, despite what Latour might think, reflexivity should be one of the pillars of academic work, along with theory and methods.

Relative to its importance, reflexivity tends to get little space in academic writing. Even authors who argue reflexivity is paramount tend to get it out of the way quickly. Rarely does the reader become privy to reflexivity in action. One exception is perhaps Bacchi's (2009b) work. In an edited volume on gender equality framings, Bacchi invites feminist scholars to practice reflexive framing. Following Foucault, Bacchi calls on scholars to take the "act of thinking" (Rabinow 2003 cited in Bacchi 2009b, p. 27) as an object of study, focusing on taken-for-granted categories of thought. Importantly, the author argues that feminists should critically examine their own frames. She offers the following advice:

> To facilitate this kind of introspective reflection, feminists are encouraged to draw upon a wide variety of diverse women's perspectives and experiences in order to lessen the possibility of adopting taken-for-granted cultural and/or class-based presuppositions in their analysis. In my own work (Bacchi 1999), which examines competing problem representations in some central areas of women's policy, I was often kept “honest” through reading analyses from feminists and women outside my white, middle-class, heterosexual perspective. (2009b, p. 29)

In this quotation, Bacchi falls into a common practice within feminist-inspired studies—situating the author—by positioning herself in terms of race, class, and sexuality. She simultaneously assures her reader that she has challenged her perspective by consulting the writings[10] of women outside of her subject position. Whereas reflexive framing centres on the "unthought categories of thought," this reassuring confession shifts the focus to the thinking subject: from conditions of possibility to *fait accompli*. The same excerpt implicitly assumes that perspective, experience, and identity are synonymous and that they dictate knowledge. As a white, middle-class heterosexual, Bacchi is not privy to the knowledge of poor lesbians of colour and needs to be "kept honest." Beyond its semantic content, the excerpt above should be viewed as the performance of a feminist ritual, through which the author pledges her allegiance to feminist values.

There is a great deal of pressure placed on authors within feminist circles to situate themselves by confessing their identities. Specifically, authors are expected to divulge their gender, class, sexuality, and race. This expectation has transferred to trans studies, where gender

[10] Like Butler, Bacchi counts on books to teach her about people. Feminists are to call on "diverse women's perspectives and experiences," which Bacchi finds by reading.

and sexuality are the most important confessions. Authors are likely to make, at a minimum, one of the following declarations: "I am trans," "I am not trans," or "I am not trans but I am gay/lesbian/bisexual/queer." Readers know that Valentine is a "non-transgender-identified male-bodied gay man" (2007, p. 22), Elliot is engaged in "non-trans feminist inquiry" (2010, p. 5), and Hayes is "a non-trans woman" and "a bisexual feminist woman" (2003, p. 1096, p. 1097). Readers are also aware that Prosser, Stryker, and Rubin, for example, are trans. Even authors who choose to put little emphasis on their trans status, by for example burying it in a footnote (Namaste, 2000), participate in this ritual. Omitting such details would be suspect, and including them is reassuring. Before giving into the pressure to reveal myself—although a careful reader would already know who I am by the way I write—I want to briefly examine this practice of *situating the author*, also known as *positionality*.

Positionality is a staple in introductory (Kirby, Greaves, & Reid, 2006) and advanced (Harding, ed., 1988) feminist methodology works alike. It is difficult to ascertain the extent to which situating the author has become a reflex. In addition, I do not doubt that many authors experience a certain malaise in performing their confessional duties, either out of a sense of privacy or for fear of narcissism. But no self-respecting feminist would deny that the social position of a researcher is important. Neither stating this taken-for-granted assumption nor examining the surrounding practices is an attempt to question the verity of situated knowledge. I am, however, sceptical that a ritual confession of one's identity can be reflexive.

Situating the author is rooted in a concern for bias and objectivity. In fact, it is through the problematisation of these two terms that situating the author becomes a potential, and perhaps mandatory, solution. Here I am tracing this process in feminism, but one could also examine this phenomenon in other fields such as sexuality studies (Harding, 1993, makes a similar point). The story begins with attempts within feminism to understand why there is "rampant sexist and androcentric bias—'politics!'—in the dominant scientific (and popular) descriptions and explanations of nature and social life" (Harding, 1993, p. 49). Feminists developed standpoint epistemology to address this situation, which I will briefly overview here in order to help contextualise feminism's fascination with situatedness.

Hartsock's (1983) theorisation of the feminist standpoint offers some guidance. She argues that the most fruitful contribution Marx's thought could make to feminist inquiry was not a critique of capitalism but rather the epistemological link between activity and knowledge. She

begins with "Marx's proposal that a correct vision of class society is available from only one of the two major class positions in capitalist society" (p. 284). Through their labour, the proletarian class can see beyond the surface level of capitalism and access its deeper mechanisms. In parallel, the sexual division of labour gives women a "privileged vantage point on male supremacy" (p. 284). Or, as Harding explains,

> The starting point of standpoint theory—and its claim that is most often misread—is that in societies stratified by race, ethnicity, class, gender, sexuality, or some other such politics shaping the very structure of a society, the *activities* of those at the top both organize and set limits on what persons who perform such activities can understand about themselves and the world around them. (1993, p. 54, emphasis in original)

The manner in which standpoint theory and other feminist approaches to situated knowledge problematise bias means that scholars trained in this context are likely to value the voices of marginalised populations, underline the damages caused by dominant perspectives, and position themselves. Within the context of scholarship about trans people, a scholar will be mindful to give ample space to trans voices, because "non trans feminists have something to learn from transpersons" (Elliot 2010, p. 6). They will denounce the "rage of radical feminist theories" (Stone, 1991, p. 294; also cited in Elliot, 2010, p. 4) that has caused "a good deal of pain for transpersons" (Elliot, 2010, p. 4). Finally, such a scholar will declare whether or not they are trans. I did all of the above in an early draft of this chapter. But it was not reflexive.

These sorts of statements can be made without a genuine effort. At worst they are merely learned reflexes. The danger is that a trans identity becomes equated with legitimacy. Another issue is that stating that one is not trans is viewed as offering reflexivity rather than simple self-reflection. Often, the reader has no way of knowing if these statements are reflex, genuine effort, or narcissism. Either way, the practice serves to legitimise the author and what they have to say. If someone is trans, then they can speak about trans people. And if someone is not, they have taken measures to counter their bias. As I noted earlier, the presence of such information is reassuring for the reader. The fact that it could be merely a reflex, yet comfort the reader, troubles me.

Beyond the variation in individual enactments of positionality, one must consider the reiterative effect of situating the author. Three effects interest me in particular: the assumption

that trans people are in an advantageous position to produce knowledge about trans people; the assumption that transness is the most important aspect of a trans person's life; and a context in which we applaud narcissism. Each one of these points has been challenged, but the effects remain the same.

First, the practice of situating the author leaves readers with the impression that trans people are somehow in an advantaged position to produce scholarship because they are trans. In relation to the notion that women are automatically knowledgeable about sexism, Hawkesworth argues "given the diversity and fallibility of all human knowers, there is no good reason to believe that women are any less prone to error, deception, or distortion than men" (1989, p. 544). Regardless, I am always more hesitant to critique trans scholars. The question I ask myself is not whether it will strengthen or nuance my argument, but whether it is politically viable to underline bad trans scholarship. Going one step further, I believe that the assumption that trans people are somehow less prone to error leads to less scrutiny and bad scholarship.

The second effect of the situating-the-author ritual is the assumption that the most important aspect of trans people's lives is that they are trans. The problem of such an assumption can be illustrated through a fictional example, which compares two individuals: The first is a young transgender man who lives most of his life as a man, takes hormones, but does not want surgeries. He lives in Toronto, where he is active in queer networks and studies gender studies at university. The second is a 65-year-old woman who transitioned 20 years ago, has taken hormones in the past, and has had vaginoplasty, breast implants, and electrolysis. She lives in Montréal, where she is self-employed. Her clients do not know that she is trans. Are these individuals really in such an advantageous position to understand each other's perspectives because they are both trans? I argue they are not. A parallel can be drawn here to trans activism and community organising. As Mirha-Soleil Ross, a long-time activist in trans networks, explains, trans-specific programming has been designed in a way that allows trans people to gain experience. But this has led to, in her words, the "most spectacular failure" (in Ross & Namaste, 2011[2005], p. 119). The reason is that although many programs are geared towards low-income or marginalised trans people, they are run by trans individuals who have had access to the education and training needed to run such programs. She explains,

> We are now facing a situation where we cannot say that most trans programs targeting low-income, street-active trans people are truly "peer-run," because

> transsexuality or transgender identities are the main factors used to determine who is or isn't a "peer." Other important issues such as significant sex-work experience, not coming from the dominant culture, and, especially, class, are mostly overlooked. (in Ross & Namaste, 2011 [2005], p. 120)

What would happen if scholars were to consider the possibility that there is as much diversity among trans people as there is between trans people and non-trans people?

The third effect of situating the author is narcissism. Bourdieu has reacted to a similar trend in anthropology. "*On voit que je n'ai guère de sympathie pour le "*diary disease,*" . . . explosion de narcissisme frôlant parfois l'exhibitionnisme, qui a succédé à de longues années de refoulement positiviste*" (2008, p. 324). Likewise, it might be said that trans studies, policy studies, and feminist and gender studies have overcompensated for positivist's obsession with objectivity. But these confessional forms of "reflexivity" fall too easily into narcissism, which Bourdieu sees as "*un retour complaisant du chercheur sur ses propres expériences*" (2001, p. 175). These "reflexive" statements are an end in themselves with no practical value. Trans studies is particularly vulnerable to such a phenomenon because it values transgression. There is a lot to be gained from being perceived as transgressive in multiple ways, such as having a louder voice than other actors. Bourdieu offers a way out of these effects (assumptions about trans knowledge and transness as well as narcissism), which can also help put into practice the lessons learned from sociological theory.

The biggest lesson learned in reviewing Butler, Bourdieu, Boltanski, and Latour is that it is very difficult for scholars to perceive actors as epistemological equals. To do so would require us to resist the urge to take on the position of *Dieu le Père*. Out of these four thinkers, Bourdieu is the only one to offer us a tool with which to resist this temptation: reflexivity.

Reflexivity for Bourdieu is a continuous project that is perfectible but never perfect. It was a matter of concern for the author throughout his entire career. Wacquant has called reflexivity Bourdieu's "signature obsession" (in Bourdieu and Wacquant, 1992, p. 36). It was present in his *Esquisse d'une théorie de la pratique* (2000[1972]) right up to his final essay *Esquisse pour une auto-analyse* (2004), written during the months just prior to his death.

At the end of his last course at the Collège de France (published under the title *Science de la science et réflexivité*, 2001), Bourdieu offers a first version of his *auto-analyse*. He begins this reflection with the notion of point of view. He argues it is a view from a particular point in space,

but more importantly a view from a particular point in social space. Reflexivity is "*objectiver le sujet de l'objectivation, le point de vue (objectivant), c'est rompre avec l'illusion du point de vue absolu, qui est le fait de tout point de vue (initialement condamné à s'ignorer comme tel)*" (2001, p. 185). While Bourdieu refers here to the objectifying point of view in the singular, I prefer to speak in the plural. The points of view we take on might be social locations (trans or not trans), categories (e.g., gender), and particular places in trans networks (such as a queer activist group). Reflexivity involves examining the relationship between points of view and objects of study, or in other words, how points of view open up particular perspectives which contain objects (such as policy, transness, or policy encounters).

Here one might object, pointing out that Bourdieu has failed to do what he prescribed. And indeed, Boltanski, among others, accuse him of taking an overhead point of view. But I prefer to consider Bourdieu's work as moving towards this goal, not an accomplished fact. Bourdieu may not have found the perfect solution, but he makes an important contribution. He makes the link between the human temptation to be god-like and their object of study. Furthermore, he studies this relationship in many contexts. One was his work *Homo Academicus*, in which he studied the university. Bourdieu later had this to say about the project:

> Indeed, it turned out particularly difficult, if not impossible, to objectivize fully without objectivizing the interests that I could have in objectivizing others, without summoning myself to resist the temptation that is no doubt inherent in the posture of the sociologist, that of taking up the absolute point of view upon the object of study—here to assume a sort of intellectual power over the intellectual world. So in order to bring this study to a successful issue and to publish it, I had to discover the deep truth of this world, namely, that everybody in it struggles to do what the sociologist is tempted to do. I had to objectivize this temptation and, more precisely, to objectivize the form that it could take at a certain time in the sociologist Pierre Bourdieu. (in Bourdieu and Wacquant, 1992, p. 68)

The energy Bourdieu has spent examining the relationship between the objectifier and object is not because he thinks little of the tools of sociology, ethnology, or anthropology. To the contrary, he believes that in bringing tools of reflection from one context to another, one can create fertile conditions for knowledge production. This action pushes intellectuals to see things

differently, to ask questions they would not have otherwise asked. In relation to bringing the tools of ethnology to study Algeria, Bourdieu explains, "*elle permet de ne pas être collé à la réalité, aux évidences, à l'intuition indigène qui fait qu'à la fois on comprend tout et on comprend rien. C'est ce qui fait la différence entre l'ethnologie spontanée des amateurs et l'ethnologie professionnelle*" (2008, p. 266). But at the same time, Bourdieu believes in turning the tools of science against themselves with the same force as looking onto the world. In sociology, one must work "*contre sa formation autant qu'avec sa formation*" (Bourdieu, 1982, p. 9). This sound advice encourages us to find a balance between reflexivity and research, and especially between reflexivity and critique. On the one hand, we say "what is" of what is, but on the other we study the *modus operandi* that allowed us to say "what is."

Already, the above formulation of reflexivity, as centring on the tools of objectification, demonstrates that Bourdieu's enterprise is "*fundamentally anti-narcissistic*" (Bourdieu in Bourdieu & Wacquant, 1992, p. 72, emphasis in original). Reflexivity is not an examination of the individual in their particular idiosyncrasies but a look at the conditions of possibility of the objectifying individual. This is one feature of Bourdieu's reflexivity that sets it apart from those forms found in trans studies and policy studies. The statements "I am trans," "I am not trans," and "I am not trans, but I am LGBQ" amount to nothing. Even Bacchi's attempt is left wanting, as she argues that reflexivity is about examining unthought-of categories of thought but falls back on her confessions of a white, middle-class, heterosexual woman. In a Bourdieusian approach, one cannot simply claim reflexivity by making confessions, one must show the work.

Wacquant (Bourdieu and Wacquant, 1992) notes that a feature of Bourdieu's reflexivity that further distinguishes it from other forms of reflexivity in sociology and anthropology is that it is a collective enterprise. Indeed, Bourdieu calls for a collective vigilance. Examining the dominant points of view and perspective of trans studies cannot be left to one author. It requires that all of its scholars take up the task of examining the points of view they use and actively seek out points they are trained to neglect. This form of vigilance is not possible unless academic fields like trans studies and policy studies demand that their scholars offer more than a confessional statement at the beginning of articles and books.

According to Wacquant, a third distinctive feature of Bourdieu's reflexivity is that it is positioned to strengthen science. In fact, Bourdieu (2001) goes even further by claiming that reflexivity is the condition of science and of critique in the social sciences. It is a tool that allows

science to understand and control itself, and when taken up collectively it increases mutual censures. But there is one caveat: "*Il ne s'agit pas de poursuivre une nouvelle forme de savoir absolu, mais d'exercer une forme spécifique de la vigilance épistémologique*" (2001, p. 174). As noted, reflexivity is perfectible but never perfect.

For Bourdieu, reflexivity works at three levels: (1) social position, (2) position in the academic field, and (3) intellectual bias. I consider these to be three kinds of points of view to look out for. Bourdieu explains,

> *Il faut d'abord objectiver la position dans l'espace social global du sujet de l'objectivation, sa position d'origine et sa trajectoire, son appartenance et ses adhésions sociales et religieuses (c'est le facteur de distorsion le plus visible, le plus communément perçu et, de ce fait, le moins dangereux).* (2001, p. 183)

Here, Bourdieu is saying not that one's social position is unimportant but that, despite all of its importance, it is just the tip of the iceberg. As difficult as it might seem to consider one's social position, one's privilege, and one's personal bias, doing so is just the beginning. The entirety of trans studies' reflexive practice is at this first level. In chapter three, I will attempt to incorporate the next two levels of reflexivity into this field.

The second level of reflexivity is one's position within the context of the field and the position of the field or discipline within the larger context of the university. Bourdieu explains,

> *Chaque discipline ayant ses traditions et ses particularismes nationaux, ses problématiques obligées, ses habitudes de pensée, ses croyances et ses évidences partagées, ses rituels et ses consécrations, ses contraintes en matière de publication des résultats, ses censures spécifiques, sans parler de tout l'ensemble des présupposés inscrits dans l'histoire collective de la spécialité (l'inconscient académique).* (2001, p. 183)

I will briefly develop some of these items. First, I am a PhD candidate in an interdisciplinary field. The position of this project and its fields have been discussed sufficiently in the introduction. But I want to add that as a PhD student writing a dissertation, my relative power vis-à-vis my supervisory committee has deeply impacted the dissertation (and I strongly believe in a good way). Moreover, as a PhD student, with no recognition in either trans studies or policy studies, there are certain problems I am forced to take on that are part of the established practices of these fields. This dissertation did not start with an analysis of Butler because I wanted it to. It

started with this analysis because of Butler's position in the fields of queer theory, gender studies and trans studies, and structuralist-inspired work. Another concrete example from this project is my analysis of intersectionality in chapter five. I must address intersectionality even if I do not use it in my work because of its position in gender studies, where it is the most popular approach to difference. By bringing up these points, I am not suggesting that I should have free rein to write at my will. The requirements of the fields ensure a certain rigour. But thinking about the ways this dissertation answers its many masters is an important component of a reflexive practice.

Other items that Bourdieu underlines in the quotation above are thinking habits, common-sense beliefs, and rituals. I have already examined ritual confessions in trans studies. In chapters two, three, and four, I will examine some of the thinking habits and common-sense assumptions that have shaped the way we look at trans issues. Examples include the habit of linking gender and sexuality when explaining what "transgender" means or the common-sense notion that trans people are discriminated against because they are trans.

The third level of reflexivity is intellectual bias. This level is intimately linked to the previous one. At its most simple, this bias is the effect observation has on practice. It is present in the switch from the father looking for the best school for his daughter to the academic studying a school system. In more general terms, this level of reflexivity elaborates on the conditions of possibility for an object of study. It includes the models we produce to explain the world, the temptation to take on an absolute point of view, and the ways that tools change what we are looking at.

Bourdieu suggests several ways to examine this bias. I will review two here that have been useful to me: history and common sense. The first involves contemplating the history of a field to uncover the forgotten elements of its social conditions of production:

> *Le produit séparé de ces conditions sociales de production change de sens et exerce un effet idéologique. Savoir ce que l'on fait quand on fait de la science—ce qui est une définition simple de l'épistémologie—cela suppose que l'on sache comment ont été fait historiquement les problèmes, les outils, les méthodes, les concepts qu'on utilise.* (2008, p. 345)

In chapters two and three, I use the history of policy studies and trans studies to investigate their social conditions of possibility that I believe should not be forgotten about in the future. In the

case of policy studies, I point to the field's dependence on the outside world of government and the field's consequential focus on government, which I believe have occulted aspects of policymaking related to actors navigating policy. Within trans studies, I argue that the social condition of possibility of the field is a conversation about gender between feminist and sexuality scholars. This topic of conversation has in consequence framed the field. Admittedly, the line between critique and reflexivity is hard to place when one starts to examine fields. On the one hand, a critical/reflexive approach examines the relationship between points of view and object, and on the other hand, it potentially leads to challenging the realness these perspectives produce.

The second avenue that Bourdieu suggests is to look at common-sense notions. He argues that one of the properties of a field is that it holds within it things that are unthinkable and not even discussed. He writes, "*Le plus caché, c'est ce sur quoi tout le monde est d'accord, tellement d'accord qu'on n'en parle même pas, ce qui est hors de question, qui va de soi*" (2008, p. 346). The common-sense notion that my project will reconsider is that trans people are discriminated against because they are trans. Throughout the dissertation, I will give examples of moments when scholars and activists have assumed that the trouble trans people have is related to their being trans, and I will show the consequences this has had on understanding, namely a partial view of trans people's realities.

A Critical/Reflexive Research Practice

So far, I have made the case that critique and reflexivity are important and indicated where they overlap and how they might work together. In their most general sense, critique examines "reality" and reflexivity examines how "reality" is made. In this project, both critique and reflexivity revolve around objects of study. Both benefit from the search for new points of view that can potentially open a door to the world-as-is, thus challenging the "real" as well as offering new avenues for investigations into how points of view create perspectives. Indeed, it is through points of view and perspectives that critique and reflexivity can work together. What points of view and perspectives have created policy and transness? What perspectives can we open if we move around? What then happens to these objects? To "reality"? What objects can be found in

trans networks? What points of view do trans individuals take on in order to explain their lives and their interactions with government? What new objects could scholars develop and to what effect? This is a critical/reflexive line of questioning. I contend that it can make fields evolve. In the first part of the dissertation, I will use it to guide a shift from policy and transness (gender transgression) to policy encounters. In the second part of the dissertation, I will use it to compare the strengths and limits of these three objects and more generally to develop policy encounters as an object of study.

In order to make critique and reflexivity work together, one must reach new points of view and perspectives. Below, I offer the reader a general overview of how I operationalised a critical/reflexive research practice. However, I will build up a more detailed explanation of my *démarche* over the course of the next three chapters. To reach new perspectives, I have taken inspiration from the notion of *ethnographic sensibility* as developed by policy ethnographers. An ethnographic sensibility aims "to glean the meanings that the people under study attribute to their social and political reality" (Schatz, 2009, p. 5). Pader describes the goal of ethnographic sensibility in the following manner:

> The goal is to have a more nuanced understanding of the world from their perspectives rather than simply from the researcher's; to have a basis for exploring the multiple ways in which people categorize their worlds; and to understand the significance of those perspectives and categories for the many ways by which people learn their place in society and represent their worldview in policy, art, the built environment, social relations, and other facets of their social and political worlds. . . .
>
> Another goal is to extrapolate from these perceived patterns and categories the fundamental structural principles underlying them, as well as their relation to one another, to the development of the observed people's sense of right and proper behavior, and finally to decisions about appropriate policies and planning. (2006, p. 163)

To summarise, the goal of an ethnographic sensibility is to gain a nuanced understanding of people's perspectives and to identify patterns in understanding. I will reach these goals by performing framing analysis (presented in chapter two). This analysis examines framing devices such as categories (as Pader references) or common-sense notions (which I discussed above in

relation to Bourdieu). In this dissertation, I will observe and compare these framing devices to come as close as possible to others' perspectives (and to better understand my own).

Schatz (2009) argues that an ethnographic sensibility can only be developed through fieldwork. I agree with this position and so will give more details about how I developed my own ethnographic sensibility in chapter four, when I situate my work in relation to policy ethnographies. I hope to thus avoid an empty use of the term. Schatz also argues that this sensibility extends the ethnographic approach beyond fieldwork. In my own work, which seeks to consider actors and scholars on the same footing, I have attempted to use an ethnographic sensibility to understand the realities found in scholarship as well as in trans milieus. Chapters two and three delineate my attempt to understand the perspectives created by policy studies and trans studies. In other words, I want to understand the perspectives of the scholar-actors who work within these fields. Chapter four will address an ethnographic sensibility in a more traditional manner, by examining the political realities found in trans networks. Together, this critical/reflexive work inside and outside of the university will lead me to policy encounters.

In sum, this chapter started by examining the good life to argue scholars can take on a living practice of critique, including in their academic work. Moreover, I argued that part of my role as a scholar is to take actors seriously, to consider their skills and strategies, and to support them as policy users. I then turned to ontology and epistemology to explain that a distinction between the world-as-is and the world-as-it-is-to-us can form the basis for a critical/reflexive research practice. Bourdieu (2001) notes that it is not because certain limits are proven to exist that they can automatically be surpassed, but that reflexivity can help reinforce science. If reflexivity is successful in examining the construction of objects, it will also lead to constructing objects differently (Wacquant in Bourdieu & Wacquant, 1992). For me, this goal entails combining reflexivity and critique, that is, challenging the "real" and investigating how the "real" is produced.

Throughout the project, ordinary critique formed from within the research practice will be used to challenge the reality of policy studies, trans studies, and trans networks. This dissertation attempts to dislodge the realness of the real. This is my living practice of critique, but it is also a way to bring about original knowledge, that is, new ways of seeing reality and new explorations

of content that previous work could not reach. In this project, reflexivity is more than an acknowledgement of social position; it is a constant examination of relationships to knowledge production. This objectivising stance is shaped by one's social position, one's position within the university, and more broadly the relationship between objectifier and object. The next two chapters will attempt to meet the needs of a dissertation (my position within the university), by reviewing literature and situating my project as well as proving my competence in fields (through citational practices among other things). But I conceived and first wrote these chapters as a critical/reflexive exercise. The next two chapters look at the ways policy studies and trans studies construct their objects of study.

Chapter Two – Policy Studies

The canon of political thought contains many views on governance. Plato's ideal city-state, Machiavelli's advice, and Rousseau's social contract are but a few examples from the Western tradition. In Plato's *The Republic* (1974[circa. 375 B.C.] *trans*. Lee), Socrates draws a parallel between a good life and a good state. He consequently sets out to describe the ideal city-state, in which those with a capacity for abstract thinking (forms) are called on to rule. Machiavelli's *The Prince* (1981[1513] *trans*. Donno) is the classic political strategy book. It advises the prince on the best means to achieve power and control. *Du contrat social* (2001[1762]) is Rousseau's attempt at establishing the legitimacy of sovereign power, a prominent theme in the beginning of the modern era when monarchies, and their link to divine will, were being challenged. Each of the texts above illustrates elements of political theory—links between the good life and polity, strategy, and legitimacy—that continue to be key concerns in policy studies. Furthermore, each thinker gave policy advice beyond their writings: Plato to Dionysius I, Machiavelli as the Secretary of the Second Chancery of the Signoria, and Rousseau in his role in the elaboration of the Polish constitution. But as de Leon (1988, p. 16) has pointed out, the activities of thinkers like Plato, Rousseau, and Machiavelli were ad hoc. The systematic study of policy (government action) has a short history.

I opened this chapter with a story. To be precise, I offered readers a version of the narrative political theorists use to explain policy studies. Scholars such as de Leon (1988, pp. 15–16), Torgerson (1996, p. 268–271), Sharkansky (1995, pp. 48–51), and Smith and Larimer (2009, pp. 7–10) offer similar versions. Both de Leon and Torgerson position policy studies as a continuity and break from political thought or philosophy. Others, such as Danziger (1995, p. 436), underline the long tradition behind the theory and ideas they work with in policy studies. Danziger traces postpositivists' rejection of neutral truths to the sophists. Wagenaar (2011) cautions policy analysts in the argumentative turn that in order to produce quality analysis, they must understand interpretive theories' roots. In contrast to the above narratives, scholars such as Doern (1996, p. 17) locate the beginnings of policy studies as being with political scientists'

frustration over the rigidity of institutionalism—its focus on party politics and parliamentary institutions but not policymaking—as well as with political economists (see also Phidd, 1996, p. 27).

These narratives inform the audience about key elements of policy studies. For example, de Leon underlines the systematic nature of policy studies, by contrasting it to previous ad hoc examinations of governance. Stories that link policy studies to various disciplines (political science, philosophy, economics, etc.) might at first seem contradictory, but each narrative tells us something about the context of the emergence of policy studies by recounting how policy scholars came to the field as well as the intellectual tools (or objectifying tools) they brought with them.

The stories referenced above tell us a great deal about policy studies, and they tell us even more about the storytellers. While de Leon, Torgerson, Danziger, Wagenaar, and I are attempting to situate the field, we end up situating the author. Danziger does this directly, when she informs readers that her "twenty-five-year immersion in the study of rhetoric and critical theory" (1995, p. 435) shapes her perspective. A background in political philosophy or in political thought can have an effect on how a scholar sees the world. For me, the effect of repeatedly examining the world through political thought was that ideas were positioned as motors of history and thinkers such as Plato, Machiavelli, and Rousseau became central actors in political history. The history of ideas can be blinding, making us think we could be philosopher kings. I suspect many thinkers in policy studies have fallen under the same charm, as many suffered disillusionment when it became evident that good ideas do not always make for good policy. Policy thinkers' ideas have not had their anticipated impact, which has pushed many policy scholars to take a reflexive approach to the field, examining where it stands and how it might move forward.

This chapter reviews some of the above history. But first it examines the conditions of possibility for the emergence of policy studies. Tracing the field's emergence and evolution uncovers a great deal about how policy has been constructed as an object, and in particular the problem orientation and government perspectives that have shaped it. A discussion of these points is a key step to both the reflexive (how objects are constructed) and critical (the contours of objects) movements accomplished by this dissertation. Policy studies was made possible by factors both inside and outside of the university (de Leon, 1988). Within the university, it is tied to the development of the social sciences. It traces its roots to the growth of empirical work in

France and England (de Leon, 1988) as well as to an American intellectual movement late in the 1800s that "was dedicated to closer ties between government and academe, based on the belief that rational inquiry by experts could produce solutions to social and economic problems" (Brooks, 1996, p. 74). The field would not have been possible without the expansion of government and government-run programs in the 20th century. This expansion increased the need for expert policy analysts, who today can be found in government, consulting firms, think tanks, lobby groups, community groups, and specialised forms of journalism (see, e.g., Fischer, 2007). Policy scholars have never held a monopoly over policy knowledge analysis. Moreover, the government's need for policy analysts shaped policy studies' object (policy). Although it might seem like common sense that the study of public policy would centre on government actions, I make the case in this chapter that analysis can also centre policy users. Doing so leads to meaningful contributions to policy studies.

Beyond its origins, the evolution of policy studies has been shaped by a tension between positivist and postpositivist approaches to knowledge production. This is a struggle over being the one that knows. Positivists want to gain authority in policymaking and postpositivists want to gain authority within both policy studies and policymaking. An examination of their respective discursive practices clarifies how policy studies has framed knowledge in order to ensure its own legitimacy. In addition, the above tension led me to use the argumentative turn and the framing analysis for this project.

As I have explained, I operationalise critique and reflexivity through framing analysis. Framing is the structuring force that I study in this project in order to develop a critical and reflexive stance on the current state of trans-related knowledge production, and in particular policy-relevant knowledge. This chapter overviews framing analysis within policy studies and reminds readers of the framing devices presented in the introduction and used in this thesis to examine policy studies, trans studies, and trans networks.

Having already outlined some key features of policy studies through an examination of its history, I turn to other framing elements in the field. In particular, I look at two of the primary categories of the field: problems and policy. The field’s problem focus has guided the kinds of logic it adopts (one that problematises the world). My project for the most part follows the same path. I will give special attention to scholars' and trans people's policy priorities—the problems they consider to be most pressing. After problems, I discuss how the field’s development of

policy as an object of study has drawn the contours of the content policy scholars are willing to consider. My project argues that the field should expand its perspective by adopting a supplementary object. Policy encounters refer to contact between policy users and government. I remind readers that in keeping with a critical/reflexive spirit by not taking objects of study for granted, I will not fully develop the policy encounters framework in this chapter. Rather, this work is done in chapter five, once the full stakes of policy, transness, and policy encounters have been examined. I begin here by situating policy encounters in relation to policy studies. Next, I examine the inclusion of policy users in the argumentative turn and argue for the usefulness of centring on policy users' perspectives instead of those of government. I end by reviewing the role of policy analysts to suggest that by studying policy encounters primarily from trans people's points of view, we might become policy advisers for policy users.

This chapter makes several contributions to the thesis. First, it offers a critical/reflexive overview of policy studies, its object, and its dominant perspective. Second, it presents the theory (framing) that is used to access the meaning scholars and trans people ascribe to policy and political priorities as well as to produce insight into how their perspectives work. Third, this chapter introduces the principal object of this thesis, policy encounters, by situating it in relation to policy studies. In order to accomplish all of this, I begin by exploring the emergence of policy studies.

The Emergence of Policy Studies

It is now time to put into practice Bourdieu's advice that the objectifier take distance from their objects and research tools: to objectivise the process of objectification. In chapter one, I explained how examining a field's history could be part of a reflexive exercise. This section begins to accomplish this work by examining factors inside and outside of the university that have both made policy studies possible and limited its scope. Policy studies would not exist were it not for governments' need for policy advice. In consequence, centring analysis on governments has become common sense in the field. The field has also been shaped by its academic

beginnings, when it acquired its vocation: creating knowledge *for* and *about* policy in order to address problems in society.

External factors: The context of policymaking and analysis.

The reader will remember that my project is positioned as university-based policy analysis (both policy studies and policy analysis). Brooks (1996) identifies three phases in the development of policy analysis in Canada: the formative years, the post-war era, and the welfare era. I add a fourth phase to take into consideration governance shifts in the 1990s and 2000s: post-welfare.[11] The formative years took place in the first half of the 20th century. During this period, there was a push to reform the civil service into a merit-based system and to call upon experts outside of government for advice (Brooks, 1996). The *Civil Service Act* of 1918 testifies to this push (see Public Service Commission of Canada, 2008). This period was also characterised by a faith in technocratic governance. It was thought that technical capacities could take the politics out of policymaking (Brooks, 1996; Torgerson, 1986).

The second phase of policy analysis in Canada, the post-war era, started after the Second World War and lasted until the late 1960s. This period continued the trend towards an expert-run bureaucracy. Non-partisan top-level bureaucrats, especially deputy ministers, saw their influence increase dramatically. In this period, the federal government introduced many new programs like the first social housing programs as well as socialised health care. These new activities called for an increase in knowledge production, opening the door for experts inside and outside of government to influence policy.

The third phase of policy analysis in Canada began in the mid-1960s and accelerated when Pierre Elliott Trudeau became prime minister in 1968. This phase is again characterised by an expansion of government's role alongside the role of policy knowledge. For example, Trudeau created the Federal Task Force on Housing and Urban Development in 1968. It was headed by policy experts who received hundreds of briefs from stakeholders across the country (see the 1969 report). No less than ten new housing programs were created following its recommendation

[11] While Brooks is dated, I have not found any recent yet thorough reviews of policy analysis and studies more generally.

(Rose, 1980). Indeed, the Trudeau years represent the height of social housing construction in Canada, along with many other social programs. Trudeau's government also helped shift power away from top-level bureaucrats, diffusing it in bureaucracies (Brooks, 1996; Pal, 1992[12]). Many new bureaucratic departments and agencies were founded, increasing the number of government policy analysts. The increased complexity of government also helped disperse power by creating the need for more specialised expertise (Pal, 1992). Finally, the expansion of universities in the 1960s meant that more and more bureaucrats were university educated, furthering their status (Brooks, 1996). There was at this time an increase of funding for, and use of, quasi-government actors such as advisory counsels, regulatory agencies, and royal commissions (Pal, 1992). For example, the Royal Commission on the Status of Women began in 1967, and in 1976 Status of Women Canada was founded. Non-governmental agencies also flourished in this phase, and Canadian think tanks were established (two of the most important being the Fraser Institute and the Canadian Centre for Policy Alternatives) (Brooks, 1996).

Since the 1980s, there has been a general shift from welfare to neoliberal attitudes. The federal government started to retract itself from certain fields. Funding for social housing was reduced in the 1980s up until 1993, when the government stopped funding new housing projects altogether (see chapter six for a more detailed explanation). The federal government also transferred the responsibility of the current social housing stock to provinces, some of which, for example Ontario, further downloaded the responsibility to municipalities. The general attitude towards social programming shifted from security to social investment (Saint-Martin, 2007). For example, Canada no longer has a national social housing program. Since 2003, the federal government has had a new housing strategy called Investment in Affordable Housing.

Although government still calls on policy experts for advice, its attitude towards knowledge in policymaking has changed over the past 25 years. Many of the semi-autonomous groups that were founded in the Trudeau era have seen their funding dramatically cut or terminated. Status of Women Canada, for example, made headlines in 2006 when cuts forced them to shut down 12 of 16 offices across the country (see The Standing Committee on the Status of Women, 2006). Bureaucrats complain more and more of pressures by government not to disclose certain research results (The Professional Institute of the Public Service of Canada,

[12] More recent versions of this text do not include the material that I am relating here.

2013).[13] Meanwhile, electronic government changed not only the way citizens receive services (Brown, 2005) but also how researchers can access information. The vast majority of budgets, laws, regulations, policy directives, and reports studied in this project are accessible online. So although researchers have easy access to some kinds of information, the federal government appears less interested in what they might have to say.

The context of policymaking is also shifting. First, now more than ever, the national context of policymaking is influenced by global factors (Orsini & Smith, 2007). In chapter six, I will outline how the global recession in 2008 impacted social housing policy, when the government began investing in social housing construction and repair so as to stimulate the economy. In chapter eight, I will review government responses to changes in migration patterns including an increasingly anti-refugee policy agenda. Second, the distribution of authority in the Canadian bureaucracy is becoming more dispersed as it now flows not only vertically but also laterally across units in organisational structures (Savoie, 2004), which has implications for how policies interact with one another. The complexity of the policy field makes it difficult for trans people to navigate the system without the help of social workers, community workers, or other front-line workers. Furthermore, New Public Management has changed the logic of bureaucracies, towards an efficiency model based on business practices. This has led to a proliferation of rules and measures that must be applied by bureaucrats, a theme I will return to in the section below examining policy as a category. Indeed, much has happened in governance over the past 25 years.

In these four stages of history (formative years, post-war, welfare, and post-welfare), three major processes have been especially significant for the emergence of policy analysis in Canada: government expansion, civil service reform, and an increased need for policy knowledge. All three are anchored in the separation of politics from policy as well as the belief in the primacy of technical solutions. The first process is the overall expansion of government, evident in the increase in size of the civil service via the creation of new programs and agencies but also in fields of operation. This growth has increased the need for policy analysis. This process is

[13] At the time of writing, government attitudes are once again shifting. In an open letter to public servants during the last election campaign, now Prime Minister Justin Trudeau wrote, "The muzzling of scientists and the Conservative suppression of scientific information is an assault on democracy and an embarrassment to Canada on the international stage" (September 25, 2015). This being said, it is too early to tell what concrete changes will take place.

starting to shift as lean governments come into fashion, but the federal budget still manages 250 billion dollars per annum, suggesting that it remains, at least financially, a large entity.

The second process is civil service reform, which has moved from a patronage to merit-based system (i.e., taking the politics out of the civil service). Bureaucrats today have more specialised expertise that tends to require university education. In addition, the Canadian bureaucracy holds a great deal of power, which is shared among departments and agencies. Thus, there are many policy experts within government as well as a proliferation of decision makers. Changes in bureaucratic structures (more lateral power) and logics (towards efficiency) will also leave their mark on policy analysis.

The third process is the willingness of policymakers to look beyond government for policy knowledge. The use of commissions of inquiry is a prime example. Moreover, in the 20th century, governments started to fund research (through organisations like the Social Sciences and Humanities Research Council) as well as the expansion of universities more globally, allowing for the development of policy researchers. This third process is also evident in the creation of think tanks. But new governments may not want to hear what policy researchers have to say, and policy scholars will have to develop strategies to overcome this. At the end of this chapter, I will suggest that offering policy advice to policy users is one potential avenue through which to overcome governments' lack of interest.

All of these factors shape not only how policy is made but also how it has been studied (by whom, with what constraints, etc.). Government perspectives have dominated the field. The field shifts with government, studies government, and studies for government. I address the effects of this focus directly in the section on framing the field. For example, I explain how policy has come to be an object of study that cannot account for issues the government has systematically ignored, even when doing so could lead to better policymaking. I also explain how policy encounters can counter this bias. Having now looked at factors external to the university that have shaped the development of policy studies, I now turn to internal factors.

Internal factors: The birth of policy studies.

Within the university, Lasswell is generally credited for giving the field its scope and focus. Writing from the American context in the 1950s, Lasswell observed that there was increased attention to policy on the part of intellectuals in the social sciences and psychology—what he called a policy orientation. This orientation was "in part . . . directed toward the policy process, and in part toward the intelligence needs of policy" (Lasswell, 1951, p. 3). From its beginnings, policy studies has had a double focus: theoretical and practical. Within the Canadian context, the systematic study of policy started later, in the late 1960s and early 1970s (Doern, 1996). Although the study of policy in Canada is specific to its political institutions (such as Parliament and the Canadian Charter of Rights and Freedoms) as well as its governing culture and history, the three foundations of the field laid out by Lasswell have crossed the border.

The first is a concern with problems in society. The field has always been geared towards improving policy and the policy process to enhance democracy and better the lives of citizens. The classic example, coming from the United States, is the declaration of War on Poverty by Presidents Kennedy and Johnson (see de Leon, 1988). Immense resources were allocated to various policy programs in the hopes of alleviating poverty. In Canada, the massive investments in social housing during the 1970s and 1980s were premised on similar goals (see chapter six). For Lasswell, "the basic emphasis of the policy approach . . . is upon the fundamental problems of man in society, rather than upon topical issues of the moment" (1951, p. 8). Lasswell believed that we could fix human nature. He wrote, "once discovered and exposed, these sources of human destructiveness can be changed" (1951, p. 8). This position is somewhat idealistic, but Lasswell also meant that the policy orientation is not just about giving advice to politicians on the day-to-day activities of government, but also addressing the roots of problems.

The second key feature of policy studies is its multidisciplinary nature. Lasswell was writing at a time when intellectuals from various fields were orienting themselves towards policy. Even today, the institutional arrangements of policy work vary from university to university. In 1953, Carleton University founded the first Canadian School of Public Policy and Administration. Other universities have created a policy subfield in political studies (as is the case at Concordia University). Several other disciplines have developed related research interests

(e.g., the field of social policy in sociology), and beyond this, various fields and disciplines have produced knowledge which could influence policy.

The third feature of policy studies is that its scholars aim to produce knowledge *for* and *about* policymaking. Knowledge for policymaking is the information needed to understand a problem and craft a solution. This is the policy analysis aspect. As mentioned, the field does not have a monopoly over expertise in policymaking—an engineer, lawyer, or chemist could, depending on the context, have more pertinent knowledge. Knowledge about policymaking addresses the process as such, creating theories and models to explain how policy is made, often with the goal of making it more efficient, more democratic, and so forth. As Lasswell pointed out, those involved in policymaking also have a great deal of knowledge about policymaking, further clarifying that not only policy studies researchers have an expertise in this regard.

Looking at internal factors brings to light many central elements of policy studies (a focus on problems, multidisciplinarity, the kinds of knowledge it produces). Although my project may seem bizarre to some policy researchers, it is anchored in these core elements. I too am problem focused and interested in producing knowledge for and about policymaking. Although I am being reflexive about the tools of policy studies, I have not abandoned the field. Like Bourdieu, I believe that academic knowledge production can add depth to an understanding of the world and that reflexivity can strengthen this work.

The Evolution of the Field

Disappointments: Failure and relevance.

Despite the fact that it has evolved into a full-fledged field, policy studies has had many disappointments. If the principal objective of policy studies is to solve the "fundamental problems of man in society" (Lasswell, 1951, p. 8), then it has failed. Both the field of policy studies and policymaking more globally have based their hopes in technocratic policymaking. As Torgerson explains,

> Images from an old dream tend to dominate professional thinking about public policy. It is a dream of the abolition of politics—of putting an end to the strife and confusion of human society in favor of an orderly administration of things based upon objective knowledge. . . . The early positivists announced the dawn of a new age of humanity: a smooth, efficient industrial civilization, established and managed not by the dictates of political interests, but by the dictates of genuine knowledge: the findings of modern natural and social sciences. (1986, p. 34)

Unfortunately, this new age of humanity never came to fruition. The classical example in the United States is, again, the War on Poverty. It has become obvious that despite the allocated resources, this attempt has failed to fix the underlying causes of poverty there (de Leon, 1988; Dryzek, 1993). The same can be said of Canada, where 3.3 million Canadian households are in a precarious housing situation (Statistics Canada, 2011), there are 150, 000 emergency shelter users per annum (Segaert, 2012), and four million Canadians experienced food insecurity in 2012 (Tarasuk, Mitchell, & Dachner, 2013). The chapters on trans people's experiences of housing and social assistance policies will share some of the stories behind these numbers, showing that, as Fischer argues,

> The social sciences neither have developed anything vaguely resembling the promised casual, predictive "science" of society, nor has their subfield, the policy sciences, been able to provide indisputably effective solutions to pressing social and economic problems. (2003a, p. 209)

Torgerson (1986) has described the complete state of disillusionment of some policy scholars upon realising that the dream described above was unattainable. Dryzek (1993) has commented that we are lucky that these failures have not finished the field entirely. The repeated failures have not, however, deterred policy researchers. Some have turned to new conceptions of the field (see the section on the argumentative turn below), while others still claim that technocratic policymaking is better than allowing politically based decisions to reign, as the continued call for evidence-based policymaking brings to light.

The second major disappointment faced by policy studies is a lack of influence. Lindbloom and Cohen remark, "policy makers and other practical problem solvers frequently voice their frustration with what they are offered. And many social scientists and social researchers seem to wish to be more drawn upon, useful, or influential" (1979, p. vii). The uptake

of research has been a central concern of the field (see Sabatier, 1978; Weiss, 1980). Although some empirical evidence suggests that a lot of research is used by Canadian government officials (see Landry, Amara & Lamari, 2001), questions remain on the types of research consulted as well as the influence that this research has on the policy process. As the next section shows, many policy scholars and researchers have been frustrated by the lack of the field's influence.

These disappointments (failures and impact) invite us to rethink our role as policy researchers. In addition, this concern for relevance has affected the policing of the field's methodological and epistemological boundaries. Indeed, reflections on the tension between positivists and postpositivists in the field must include considerations of past failures and the desire to influence policymaking.

Positivists and postpositivists: Productive tensions.

The struggle over recognition for expertise and disappointment in the face of enduring problems has deeply affected the evolution of policy studies. These factors are partially responsible for one of the most important tensions in contemporary policy studies: positivists versus postpositivists. Strict positivism is characterised by rigorous methodology, empirical generalisations, and the formulation of general laws that explain these generalisations. Knowledge must be verifiable and deal only in pure facts. In short, positivism is the belief that policy sciences based on the natural sciences can take politics out of policymaking and allow policy experts (technicians) to make more efficient policy.[14] Postpositivism in policy studies is a grouping of approaches that has taken aim at the implicit and explicit axioms of positivism. As will be seen below, proponents of postpositivism in policy studies have redefined rigorous methodology, focused on contextual empirical realities, and avoided generalisations in favour of in-depth comprehension. Knowledge for these scholars is always both fact and value.

Already, in 1951, Lasswell argued that "what has eluded scientific and policy attention is a large number of human factors which prevent the resolution of these difficulties by rational

[14] This description is based on Kaplan's three characteristics of positivism (1993, pp. 167–169), Fischer's exploration of positivist roots (2003a, pp. 209–211), and Torgerson's first face of policy analysis (1986, p. 34–36). It should be noted that most argumentative authors describe positivism in similar terms.

means" (p. 8). Consequently, the study of policy should bring together both quantitative and qualitative methods.[15] But as Fischer as observes,

> In contrast to the multidisciplinary methodological perspective outlined by Lasswell, the field has been shaped by a more limiting methodological framework derived from the neopositivist/empiricist methods that dominated the social sciences of the day. (2007, p. 98)

It is worth examining why policy studies has moved away from Lasswell's "multidisciplinary methodological perspective."

Lasswell (1951) noted that the seeming usefulness of quantitative studies inspired many. After the First World War, there were questions as to why some disciplines were able to have an impact where others could not. The general conclusion was that the success of disciplines depended on their ability to quantify data and to get as close as possible to the natural sciences. The Second World War only confirmed this way of thinking (Lasswell, 1951). Intellectuals linked the success of the Allies with this kind of research (de Leon, 1988). De Leon adds that, "more than likely, the emergence and dominance of these more quantitative approaches to public policy issues was a reaction against the more amorphous and removed types of analysis produced by political scientists and the ineffective efforts of public administration to improve governmental processes and services" (1988, p. 24). In short, quantitative research gained the reputation of being effective and pertinent.

However, other views did coexist. Policy studies has consistently brought together various methodologies and epistemologies. The stages model is a good example. It identifies various stages in the policymaking process. Lasswell himself identified the following stages: intelligence, promotion, prescription, invocation, application, termination, and appraisal (see de Leon, 1999, for an explanation of Lasswell's division of the process as well as an overview of the evolution of the stages heuristic model). Today, agenda setting, issue identification, decision-making, policy design, policy implementation, and evaluation might be added to this list. The stages model is not necessarily postpositivist, and many policy researchers have used some of its insights (such as

[15] The positivist–postpositivist divide as we know it today in policy studies did not exist in Lasswell's time, however the quantitative–qualitative distinction referenced by Lasswell served a similar function to the extent that quantitative work was often believed to be better suited for discovering general causal laws than was qualitative work. Lasswell warned against an overreliance on quantitative work, arguing that the each kind of analysis had its place. I agree.

studying implementation) to create causal theories. But in and of itself, the model is neither causal nor predictive.

To understand the relationship between strict positivism and "softer" approaches in policy studies, it is useful to examine a couple dynamics. First, positivists and neopositivists are driven by the desire to be influential and by the faith in the "old dream" described by Torgerson above. This desire resonates with the temptation to take on a god-like point of view identified in chapter one. For Sabatier (2007), the role of theory is to simplify complexity. To do this, theory must be general (abstract enough to have many applications), clear, verifiable, causal, and predictive. Not only is good theory good for science, it is key in policymaking. In answering criticisms, Sabatier justifies his choice to limit policy theories discussed in his edited volume to those that follow positivist norms, therefore justifying excluding the stages heuristic model. Sabatier goes as far as to state, "Since I am unequivocally a social scientist, this criticism fell on deaf ears" (2007, p. 11). Indeed, the conversation between positivists and alternative approaches, including the stages model as well as postpositivist scholarship, has been one sided.[16]

The above quotation points to the second dynamic at play. Wanting to protect a particular image of the field, positivists have pushed postpositivism to the margins. Postpositivists thus face two intertwined challenges. Like the positivists, they want to influence policymaking, but this struggle is compounded by a struggle for recognition within the field. On this topic, Fischer writes,

> Emphasis on an empirical conceptualization of reality, at the expense of the normative sides of social life, coupled with neo-positivist concepts of objectivity, the separation of fact and value and value neutrality, are still very much the kinds of things that social scientists are expected to take seriously in one form or another. They are not only the sorts of things that graduate students at most of the leading universities are compelled to acknowledge, if not respect—they still reflect the sort of understanding of social science that is explicitly or implicitly on offer to the public. (2003a, p. 210)

Because of their relative position in the field (the second level of Boudieu's reflexivity), it is customary for postpositivists to dedicate a great deal of their attention to positivism in order to carve out a space for themselves in the field (discursive practice). Postpositivist work inevitably

[16] The stages heuristic model was included in an earlier edition of Sabatier's edited volume: de Leon (1999).

opens with an argument against positivism and a justification for postpositivism. There is no shortage of examples to support this claim: see Bacchi (1999, chapter two), Dryzek (1993, pp. 213–222), Fischer (2003a, pp. 211–217), Torgerson (1986, pp. 34–39), and Yanow (2000, pp. 1–10). Hajer and Wagenaar (2003) argue this kind of opening argument has the unfortunate consequence of relegating this critical perspective to the status of a counter-narrative to dominant and institutionalised forms of policymaking. It is a vicious cycle: postpostivists are marginal in the field, therefore they must defend the worth of their work, but the effect of their justifications confirms their marginal status.

Not only has the iteration of critiques of positivism had negative effects, ultimately, many argue this work amounts to a straw man argument (see Hajer & Wagenaar, 2003*;* Dryzek, 1993). Academics have to close themselves off to certain perspectives in order to specialise in their own. It is not surprising that postpositivist accounts of neopositivist work in policy studies are at times lacking detail or nuance. But this lack of specialised knowledge in positivist methodologies (such as statistics) does not mean that postpositivist critiques are completely off the mark. As Hajer and Wagenaar (2003) point out, positivism is more than an outlook on methodology; it is an approach to knowledge that is present not only in research but in the very institutions of policymaking. This approach to knowledge and its values (objectivity, prediction over understanding) is the true target of postpositivist critiques. For this reason, I consider much of postpositivist work to be a reflexive enterprise. The same tension between positivists and postpositivists led to the argumentative turn, which I will now discuss.

The argumentative turn.[17]

Despite its many philosophical influences and almost endless ramifications, the argumentative turn begins with "a simple but profound insight: Policy analysis and planning are practical processes of argumentation" (Fischer & Forester, 1993, p. 2). This insight opens the door for a two-part project which examines the day-to-day work of policymaking as well as the linguistic nature of policy within the larger political context in which it occurs (Fischer & Forester, 1993).

[17] Some will prefer to speak of critical policy studies (Orsini & Smith, 2007) or interpretive policy analysis (as in the International Conference in Interpretive Policy Analysis).

The argumentative turn builds on work published in the field in the 1970s and 1980s. Frames, discussed below, are one example. Another is Majone's *Evidence, Argument and Persuasion in the Policy Process*, in which he argues, "as politicians know only too well but social scientists too often forget, public policy is made of language" (1989, p. 1). Overlooking language's role has led policy analysts to mistake their results for facts instead of evidence to be used in argumentation. Majone argues that the analyst is more like a lawyer than an engineer; they deal with arguments rather than algorithms. Going a step further, Majone argues that all scientific inquiry involves argumentation, be it by the process of norm setting or the values that shape all scientific ventures: "The argumentative model of policy analysis assumes that analysts can seldom demonstrate the correctness of their conclusions, but only produce more or less persuasive evidence and reasonable arguments" (1989, p. 42). This addition to policy studies is important for my project, which will attempt to intervene in a particular process of argumentation over trans issues.

Majone's stance is echoed in Stone's *Policy Paradox: The Art of Rational Decision Making* (2002[1988]). In this work, Stone demonstrates that the fundamental categories of thought found in policymaking are paradoxical. She examines the language of policies to show that their goals, problems, and solutions are far from straightforward. For example, although problems might seem evident, they are made up of symbols that are generally ambiguous. Numbers in particular imply that one can count items with clear borders. They create communities (those counted), increase the power of those who count, and make people notice things they had not before. Problems are also the site of intense conflicts over causes and interests, which cannot be removed from decision-making. Given the central place of problems in policy studies, this argument is compelling. Paying attention to the elements that make up problems can greatly increase the quality of intervention in argumentation, as will be shown later. The argumentative turn grouped together and then developed insights like that of Majone and Stone.

The argumentative turn got its name in Fischer and Forester's edited volume *The Argumentative Turn in Policy Analysis and Planning* (1993). Although this collection contains much of the epistemological and methodological diversity of the argumentative turn, this critical perspective has evolved a great deal over the past two decades. Today, there are three major approaches, which mirror divisions in the linguistic turn: interpretive, deliberative, and

discursive.[18] Each of these approaches has its particular epistemological underpinnings, objectives, and preferred methodologies. In consequence, they each highlight different dimensions of meaning relevant for policy analysis and policymaking. Explaining the distinction between the three approaches is difficult because most authors use more than one, often implicitly. As Wagenaar explains, "although I think that the differences between types of interpretation are substantial (more than just an analytical tool), and, in light of the choices that a practicing policy analyst has to make, consequential, the borders are fuzzy" (2011, p. 40). Wagenaar warns that each tradition on its own takes considerable skill and know-how. Bringing them together can be a challenge (akin to interdisciplinary work). I agree with Wagenaar that such mixing comes with risks, as each tradition calls upon distinct philosophical traditions with deep roots that at times come into conflict. I suspect that many of these entanglements are the product of intellectual power struggles and academics' tendency to think ourselves into corners.

I hope to one day examine this question in more detail, starting with the history of structuralism. Unfortunately, untangling this entire process would be a project on its own and is thus not possible within the confines of this dissertation. I accept that for some this means I am dealing in secondary literature. I also acknowledge that as one of the limits of this project. For the purpose of this project, what interests me is how the argumentative turn adapts these philosophical traditions (interpretive, deliberative, and discursive) in order to attack positivism within the confines of policy studies.

The interpretive branch of policy sciences focuses on what policy means, usually with the help of narrative elements. It takes inspiration from phenomenology and hermeneutics (see Yanow, 2000; Wagenaar, 2011). Its practitioners look for symbols, categories, and stories in order to understand what meaning people attach to the social world generally and to policy specifically (Kaplan, 1993; Stone, 2002[1988]; and Yanow, 1996, 2000, 2002). Stone, whose work has already been discussed, is a good representative of this branch and has influenced my project greatly.

[18] In 1996, Torgerson named these influences hermeneutic, critical, and deconstruction. The above classification is a better representation of what the field looks like today, as each combines several philosophical traditions. Wagenaar (2011) divides the field into hermeneutic, discursive, and deliberative. Although the interpretive branch does draw on hermeneutics, it goes much beyond it as well, thus I chose to call it interpretive, following Yanow's nomenclature in *Conducting Interpretive Policy Analysis* (2000). One should note that poststructuralism was shunned by Fischer and Forester who thought it was unpractical (1993, p. 5). It plays a more central role, however, in The *Argumentative Turn Revisited: Public policy as communicative practice* (edited by Fischer & Gottweis, 2012).

The deliberative branch is a descendant of Habermas's communicative rationality and critical theory. Its main objective is to open spaces of policy communication for citizens that are free of domination. Deliberative authors attempt to identify structural constraints that limit citizens' full participation in the policy process. They have encouraged policy actors to be open about their interests and values in order to improve dialogue (Innes & Booher, 2003), and they have worked to uncover the hidden values that lead to domination (Forester, 1980, 1984). One of the primary objectives of this approach is to find ways of including people in the policymaking process. I share with these authors a concern for citizen participation, but I will focus on the ways that everyday actors are already participating in policy analysis.

The final branch is discursive. Its authors search for the underlying structural elements that guide thought and action. For some, this takes the form of poststructural analysis. Bacchi (1999, 2000, 2005, 2009a) is a good example. She looks at problem representations to uncover their hidden assumptions as well as their effects. Further, a critical discourse analysis variant, inspired by Fairclough (1992), exists in the work of Marston (2004).

This dissertation was most influenced by the discursive variant of the argumentative turn, but there are also elements of the interpretive branch that have helped me understand points of view and perspectives such as an attention to stories. In order to bring these together, I use the notion of framing, explained in the next section. First, however, it is necessary to complete the discussion of the argumentative turn.

The argumentative turn builds on these three branches (interpretive, deliberative, and discursive) to study policy. Scholars in this tradition distinguish themselves from neopositivists along three lines: the role of theory, objectivity, and the separation of facts and values. Contrary to neopositivists like Sabatier, for whom theory is a means of simplification, argumentative authors use theory to manage complexity. Within interpretive work, theory is used to uncover meaning in the world. For example, Yanow (2000) uses it to draw attention to symbols—in particular, metaphors and categories found in policy and programs (e.g., texts, artefacts, or rituals). Deliberative policy analysts use theory to analyse citizen participation and the traces of domination (e.g., Forester, 1980, 1984). From a discursive perspective, Bacchi (1999, 2009a) uses Foucault's work on discourse to analyse problem representations. In all of the examples above, academics develop theory to further an understanding of policy.

A second distinguishing feature of work in the argumentative turn is its stance on objectivity. Much like Boltanski, its proponents argue that one must be in the world to observe it (Fischer, 2003a). The ramifications of such a statement should not be underestimated. Being in the world precludes the possibility of objective research because it forces the recontextualisation of rationality among motives, interests, and ideas. However, argumentative authors are more open than Boltanski to reconsidering the separation between fact and value. Remember that the history of the civil service, policymaking, and analysis are all based on the separation of politics from policy, or of values from facts. It is central to traditional approaches that facts be considered separate from values. Simon (1997[1945]) exemplifies this separation in his argument that facts are linked to means, whereas values relate to ends. While Simon acknowledges the difficulty of separating facts and values, he attributes this difficulty to the complex chains of means and ends within administrations. For authors in the argumentative turn, this view of facts and values is problematic. They argue that facts cannot be separate from values, because values are lodged in meaning and all facts have to be interpreted. Thus, values have always been present in policymaking and research.

Argumentative authors do not consider the presence of values to be problematic; rather, they see downplaying the role of values as the real problem. This downplaying has marginalised voices and encouraged technocratic policymaking. Behind the value neutrality of technocratic scientific enterprise lie hidden values that guide research practices. These are present in the establishment of scientific norms (Majone, 1989). Values are also found in the categories that policy constructs. For example, Yanow (2002) shows that the categories of race and ethnicity within the American administration have histories that reflect different ideas about race and ethnicity. As long as the illusion of value-free research prevails, the way in which people are constructed as well as the realities and people that are ignored will remain hidden. My rejection of Boltanski's noble myth, that we attain a complex exteriority by separating fact from value, is perfectly coherent with this project's argumentative underpinnings.

Having now completed the discussion of the argumentative turn, I now move on to framing analysis.

Framing analysis.

As I explained in the introduction and chapter one, my critical/reflexive research practice requires that I develop an ethnographic sensibility capable of discerning points of view, perspectives, and the relationships between. I have chosen framing analysis to accomplish this work. The notion of frames was brought into policy studies through the work of Rein and Schön (Rein & Schön 1977, 1993; Schön & Rein, 1994). They took interest in policy controversies, that is, persistent problems that resist solutions, especially rational–technical solutions. The authors observed that opposing perspectives did not count evidence in the same way, nor did they share the same values. In fact, they understood problems differently. "We see policy positions as resting on underlying structures of belief, perception, and appreciation, which we call 'frames'" (Schön & Rein, 1994, p. 23). Rein and Schön were interested in the ability of frames to bring policy actors to make a normative leap between what *is* and what *should be*.

As noted by Rein and Schön (1993), frames were used in the 1970s in multiple fields such as artificial intelligence and sociology. Yanow's (2000) research found that frames were used even before the 1970s. The earliest use she identified is in Bateson (1972[1955]). He developed the notion of frames to explain the metacommunication that occurs in exchanges. He described the example of monkeys playing: The interaction looks a lot like fighting, and indeed an uninformed observer might think the animals were in combat. But the monkeys can determine whether their partner is in play or fight mode through metacommunication.

From this early work about frames, many versions have been developed. Goffman (1986[1974]) is no doubt the most famous example. Goffman first considered frames as the means through which actors answer the question, "What is going on here?" (1986[1974], p. 10). Goffman argued, "I assume that definitions of a situation are built up in accordance with principles of organization which govern events—at least social ones—and our subjective involvement in them; frame is the word I use to refer to such of these basic elements as I am able to identify" (pp. 10–11). His later work moved towards strategic framing, which today has influenced social movement theory and communication (van Hulst & Yanow, 2014). Bacchi (2009b) makes an important distinction between frames in social movement theory, which is centred on ways to frame issues strategically and those who study frames as structuring elements. I am more closely aligned with the latter, as are Rein and Schön.

Importantly, Rein and Schön developed their adaptation of frames independently from Goffman (van Hulst & Yanow, 2014). Rein and Schön argue that their version of frames is similar to other uses but that their use refers to "a more fundamental process in relation to which these other uses can be seen as specialized variations" (1993, p. 146). Their adaptation of frames is broader than Goffman's and yet more specific. They share Goffman's early description of a frame as a way to answer the question, "What is going on?" (van Hulst & Yanow, 2014). But unlike Goffman, their interest is specific to policy-relevant problems.

Studying framings, and in particular a version of framing based on Rein and Schön's notion of frames, has many advantages. First, this form of analysis was developed to understand policy problems at a time when analysts were coming to the realisation that cogent arguments are not enough to convince policymakers. As such, framing analysis contributes to moving past frustrations in the field over the lack of influence of policy scholars. Framing is positioned at the meeting point between structure and practice, allowing analysts to tend to both *knowledge about* and *knowledge for*. As van Hulst and Yanow explain,

> What gets produced in the framing process is both a model *of* the world—reflecting prior sense-making—and a model *for* subsequent action in that world. Framing, then, does two kinds of work: It organizes prior knowledge (including that derived from experience) and values held, and it guides emergent action. (2014, p. 7, emphasis in original)

Second, using framing analysis allows me to bring in elements from the interpretative and discursive traditions. Framing is not purely structural, nor is it superficial. To a large extent, it remains implicit. It is part of tacit knowledge (Polayni, 1974[1958]). From the interpretive branch, framing analysis highlights symbols, what policy means to people, and the hidden complexity of policy language. From a discursive standpoint, framing determines who can speak and what they can say. It determines the logic that can convince, the evidence that will count, and the problems that push to action. Knowing these details facilitates critique because they elucidate the reality being constructed by a field.

Third, I chose to use framing instead of discourse, because discourse is already a concept within the transness framing found in trans studies. It would have been difficult to use it to analyse the field without risking that the reader would fall back into their habitual framing. Using

framing instead of discourse allows me to create the conditions necessary for trans studies scholars to objectify their own work, to become reflexive.

In the introduction, I characterised a framing as a way of thinking, communicating, and acting that has explanatory power, especially in regard to problematic situations. It is a system of meaning that guides thought by drawing attention to the categories and evidence that matter. It allows for these elements to be organised into an intelligible narrative, which follows a form of logic sanctioned (and legitimised) by the frame. It can thus guide the trajectory from thought to action. It also provides a way to communicate this meaning. But viewing frames in such a light has an obvious drawback. By describing the frame, the structure is ontologised. This is one reason van Hulst and Yanow (2014) prefer to speak in terms of framing. Following the discussion in chapter one on ontologising structures, I for the most part agree with this approach. There are, however, limits to what a shift between "the frame" and "the framing" can accomplish. One still risks moving from substantive to substance, as described by Bourdieu (chapter one). However, this shift is ultimately worth the risk, because there are moments at which I want to underline the persistent nature of thinking patterns. This will be the case when examining trans studies in chapter three. By identifying and describing patterns in trans studies content, I seek a way forward. In this sense, critique/reflexivity can make fields evolve.

In order to discern framings, the first step is to identify framing patterns. It is here that Bourdieu's advice on examining the history of a field as well as that which is considered common sense proves useful. There are other framing devices that can help us discern patterns. Rein and Schön (1993) already identified naming as a key element to framing. In line with van Hulst and Yanow (2014), I use *categories* here instead. A framing makes a particular use of categories, for example, trans studies' use of "transgender" or policy studies' use of "implementation." A second and related device is *logics and problematisations*. One should examine the logic that puts categories into relation (trans people are discriminated against because they are trans) as well as problematisations (transphobia). Included in the logics and problematisations device are political priorities. The presence or absence of a priority can be an indicator of the dominance of one framing or another. In some pockets of trans networks, trans political priorities are human rights, access to health care, and civil status. In other pockets, priorities are related to poverty (more on this in chapter four). The third device is *discursive practices*. For instance, Rein and Schön argue that stories bring together the elements of a frame (its values, categories, priorities). Also

included in this device are the citational practice of various fields, confessional rituals, and all other authorial mannerisms used within a framing to solidify the realness of the reality the frame brings to life. Finally, following a typical structural insight, one must pay attention to the relationship between framing devices. For instance, the relationship between policy and problems in policy studies or between gender and sexuality in trans studies merit attention.

My interest is not only in framing but in the effects of framing on what is considered common sense and what is discussed. What does it mean to repeatedly place gender next to sexuality? What patterns in content emerge out of research stemming from a particular framing, especially in terms of substantial content versus casual mention? What is taken for granted? What remains unthought-of? What is not discussed? These are the types of questions that allow a policy scholar to critique framings and to be reflexive about their own habitual framings. While frames will never capture the world-as-is, some are better suited to make visible certain aspects of the world. However, one cannot simply point out a framing's limits; one must intervene at a framing level. These interventions are hard to plan.

From the outset, Rein and Schön wanted to work towards the resolution of controversies (1977, 1993; Schön & Rein, 1994), a process they called *reframing*. The authors fully acknowledge the difficulty of this process. As frames tend to be implicit, a first step is making them visible, which is called *reflective frame analysis*, and which is why I look at framing devices. Reflective frame analysis is intended to facilitate discussion across frames. To their credit, Rein and Schön are careful to specify that the link between frames, frame analysis, and reframing is far from linear or clear-cut. In chapter three, I will examine critiques of trans studies made in the early 2000s. They called into question the framing of the field, and although well received, they were taken solely at a content level, leaving the framing unchanged. The second part of this dissertation attempts to intervene at a framing level. It is designed to progressively disrupt the transness framing.

With this project, I aim to make framings as visible as possible by identifying and comparing their components and linking this to content patterns. It is both a critical and reflexive exercise. Discerning framing patterns and their effects is a way to analyse how we have come to objectify policy and transness, the respective objects of study of policy studies and trans studies. But looking at the effects, in particular the experiences of trans people that are discussed or not, I also aim to challenge the realness of the reality produced through these framings. One place to

look is in trans networks. Are issues framed the same way in trans networks and in trans studies? Chapter four seeks to answer this question.

Throughout the project, I argue for the need for multiple framings in policy studies and trans studies, but I also allow that not all framings are equal. A reflexive research practice pushes scholars to study how we frame (especially the frames of our training). But unlike a lot of work on gender studies and trans studies, we cannot just name this and move on. This chapter and especially the one after it examine the framing of fields, which is how I have put into practice critique and reflexivity. The next section will start to apply framing analysis more directly to policy studies by examining some of its building blocks: problems, policy, citizens, and the role of the policy scholar.

Framing the Field

Although I just presented framing literature, I have been analysing framing devices throughout this chapter. I started by comparing different versions of stories that explain the roots of policy studies (philosophy and political thought, as well as political science and economics). I then examined the conditions of possibility of the field, namely government needs and intellectual interest in societal problems. Below, I continue to review the field's framing through an examination of problems and policy as well as citizens and policy scholars.

Problems.

I have already noted the fundamental role of problems in policy studies. Policies are solutions to problems, and policy studies addresses the "fundamental problems of man in society" (Lasswell, 1951, p. 8). These simple statements contain a great deal of complexity. The relationship between problems and solutions varies. Policy solutions may be assumed to come after problems, but in fact the opposite is often true: policies are at times solutions looking for problems (Cohen,

March, & Owen, 1972). Furthermore, problems are at times rather elusive. For some, problems are objective realities that need to be identified, discerned, and analysed in order to craft the appropriate solutions. If there is a political (i.e., value-laden) aspect to this process, it is not part of the policy analyst's list of concerns (see Simon, 1997[1945]). As Bacchi (1999) notes, rationalists have been more interested in how to reach specific goals. For them, goal setting can be left to politicians.

Through the influence of various social constructivisms, some policy analysts investigate the ways problems are constructed, that is, identified and defined. A problem must be identified to be addressed, and how it is defined has an impact on the solution that will be proposed. Remember that Rein and Schön developed frames after noticing that people understood problems differently. Problem definition is the process through which a problem is framed. Peters has warned that an improper definition can lead to delays in finding a solution. To use his example,

> Is the problem of how to fertilize Midwestern farmland properly a question of agriculture productivity and/or environmental protection? Depending on how that question is answered, different organizations in government will be given greater or lesser roles in resolving the problem, and different modalities of involvement will be invoked. (2005, p. 352)

Rochefort and Cobbs (1993) argue a problem definition can be analysed to discern its dimensions, such as causation or the population it invokes. Note that problem definition accounts for the possibility of multiple realities, and thus problems. This said, the emphasis is generally on choosing the right definition. Peters argues that "if a 'wrong' definition of the problem is made it may mean that the ultimate 'solution' for the problem will be delayed" (2005, p. 352). Other analysts see things differently.

For Bacchi, problem definition literature does not go far enough. She argues that we deal in problem representations, and says her

> approach accepts that there are numerous troubling conditions, but states that we cannot talk about them outside of their representations, and their representations hence become what is important—because of the shape they give to the problem, and because of what they imply about what should be done or should not be done. (1999, p. 9)

Bringing this back to the vocabulary of this thesis, I propose that people can only deal with the world-as-it-is-to-us. To my knowledge, Platero (2011) is the only one to examine problem representations in relation to trans people. Analysing debates over transgender rights in Spain, he writes,

> The framing of transgenderism as a consequence of "gender dysphoria" has become part of Spanish policy making, becoming the most successful understanding of transgenderism. Therefore, as a benefit gender dysphoria became a structural problem requiring attention. (p. 606)

Because the problem, as framed by the Spanish government, is linked to a medical condition, the resulting policies require that a trans person have a gender dysphoria diagnosis in order to access certain rights. Again, the problematisation determines the possible solutions.

Bacchi and Platero centre their analyses on the official representations of problems that have been legitimised through state action and debate (see, e.g., Bacchi, 2009a, p. 55). In other words, they follow government perspectives. Thus, they examine parliamentary debates and government texts. However, problem representations also exist in the ways that people talk about policies in their lives, what policies should exist, which current policies are problematic, and which they consider to be priorities. Looking for these problematisations is coherent with my attempt to take actors seriously. Problem representations are also found in the speech and actions of those who lead community organisations and in the research design of academics who study trans issues. Finally, they occur in both trans studies and policy studies. One of the main problem representations regarding trans people and policy is gender transgression. As will be seen in the following chapters, this problem representation identifies an aversion to non-normative genders as the source of problems for trans people.

Although Bacchi might disagree, her approach is not far off from problem definition. It does, however, put more emphasis on analysing representations to uncover their assumptions. It more easily allows for the possibility that multiple representations might be valid. It also draws attention to how representations circulate. Finally, Bacchi does put a great deal of emphasis on the effects of problem representations. First, Bacchi looks at how problem representations act upon what can be thought: what becomes harder to think or unthinkable. This is very similar to what I am doing, although I have adopted the terminology of logics and problematisations. Second, she asks what kinds of subjectivities are shaped, who is allowed to speak, and what they

can say. While this can be a worthwhile venture, it is not the focus of my work. Finally and most importantly, Bacchi looks at the lived effects of representations. As problem representations and their implied solutions determine political priorities and actions, they have a direct impact on people's material lives. I believe that these effects should be the primary focus when analysing problem representations (or policy logics and problematisations). As Martson argues, "Poverty, for example, is an ideological formation, it is a truth produced by particular discursive strategies, is it also a social construction—and people die from it" (2004, p. 33). Problem representations are real problems with real effects. We do want to find problematisations that will allow us to address issues like poverty, even if we have to admit that multiple and conflicting problem representations can legitimately coexist. Doing so requires a critical/reflexive stance.

My project, like the rest of policy studies, is problem focused. I especially take inspiration from Bacchi and other authors who pay attention to multiple problematisations. But unlike most, I consider non-governmental perspectives. This will become evident when in chapter four I compare two framings of policy priorities found in Montréal and Toronto trans networks.

Policy.

At first glance, policy appears to be a straightforward and simple concept and a natural beginning for a policy scholar. A government that announces a policy provides a solution to a problem such as wait times for surgeries, lack of places for children in daycares, unemployment, and so forth. But upon closer inspection, policy is far from being a clear-cut entity. Policy is the object of study that guides thought in policy studies. For this reason, it is important that I examine "policy." I will begin by considering a few examples of classical definitions of policy:

> "Anything a government chooses to do or not to do." (Dye, 1972, p. 2)

> "A set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve." (Jenkin, 1978, p. 15)

> "An officially expressed intention backed by a sanction, which can be a reward or a punishment.' As a course of action (or inaction), a public policy can take the form of 'a law, a rule, a statute, an edict, a regulation or an order'." (Lowi and Ginsberg cited in Fischer, 2003b, p. 2)

The first definition draws attention to the fact that policy is an intentional action on the part of government. The second builds on this focus but complexifies the notion of government by specifying that particular actors are vested with the authority to produce policy and that these same actors are motivated by the rational objective of finding means to an end. The third definition mentions again the intentional nature of policy to then focus on its manifestations (rules, statutes, edicts, regulations, orders). The ability of policy to impact behaviour is also highlighted: a policy includes a sanction.

These traditional definitions are still prominent in policy studies and guide the scope of policy research. But the boundary between what policy is and is not has moved throughout the evolution of policy studies. First, authors have challenged some of the assumptions of the definitions above to enlarge the field of policy. Second, through the development of a better understanding of the elements of policymaking (here I will use the stages model), the borders of policy have again been challenged.

Burt has taken aim at the intentionality of policy. "In its broadest sense," she writes, "public policy consists of actions that governments choose to take, as well as actions that they choose not to take; and policy analysts have sought to explain and evaluate these decisions" (1995, p. 357). The author here makes the link between what is considered policy and what policy analysts study. In other words, policy analysts and scholars ignore anything beyond the intention of government because policy involves a decision. Burt argues that limiting the scope of policy scholarship to issues that are on the government agenda prevents feminist examinations of policy. Her reasoning is as follows: Historically, women's issues have been systematically excluded from government considerations. It is not so much that governments choose not to intervene in issues of sexism, bias, and discrimination, but rather that these debates never make it to their attention. For Canadian leaders in the field, this exclusion means that these issues are not policy. Burt relays their reasoning as follows:

> Brooks insists upon the researcher's ability to demonstrate what he calls the intentional exclusion of demands. . . . Pal repeated this theme in 1992, noting that

> policy implies deliberation. If an idea hasn't entered the minds of most policy-makers, "It is inappropriate to designate their inaction as policy." Patriarchal assumptions may form the backdrop for policy exclusions, but they can't be considered policy without evidence of "deliberate" intent. (1995, p. 366)

For Burt, it is not a surprise, given this exclusion, that the vast majority of research in the field of policy has focused on men. Policies centre on men; therefore, men make up the core of policy analysis. Readers should note that by underlining the invisibility of women within policy deliberations, Burt is not suggesting that women are not discussed or that their lives are not legislated. She is arguing that sexism and discrimination are largely ignored.

A parallel can be drawn to trans issues. It is noteworthy that Namaste has adapted the concept of *erasure* to examine trans people's relationship to administrative procedures and policies. Erasure is in part used to explain "how transsexuals and transgendered people are made invisible" as well as "the very act of nullifying transsexuality—a process wherein transsexuality is rendered impossible" (2000, p. 52). Erasure occurs in contexts in which no clear policies exist, or in which they are applied ambiguously or otherwise make trans lives invisible. The study of policy and trans people must include such instances in its analysis. But the solution is not to simply "add in" trans people to thinking and policy.

As I will argue in part two of this dissertation, there has been an increase in trans-specific policy deliberations within the past decade. More than ever, governments, both federal and provincial, are considering "trans issues." There are current debates over gender inclusion in human rights legislation and civil status, as well as access to hormones and surgeries. These are promising steps forward. But there are issues that governments will not consider. There is an absence of discussions about the right to housing or basic necessities such as food and clothes. There is also an absence of consideration regarding opening Canada's borders not only to goods but to people (including trans refugee claimants). These silences have concrete repercussions in trans people's lives. Indeed, they make many trans people's lives impossible.

I would add that Burt's argument brings to light the incoherence between policy studies' objectives and its object of study (policy). Policy studies creates knowledge for and about policymaking. As the argumentative turn teaches, the hidden values of policy are an important part of what makes them up and gives them meaning. Thus, knowing what escapes the purview of policymaking is crucial information about policymaking. Furthermore, to create knowledge for

policy, the limits of current policymaking must be understood. Widening the definition of policy to include what government deliberations exclude is thus pertinent. Finally, it would be hard to solve "fundamental problems of man in society" (Lasswell, 1951, p. 8) without pointing out that such efforts have excluded women.

Here a dedicated policy student might reply that policy studies does not need to enlarge the definition of policy beyond intent in order to argue that women's issues as well as other systemically ignored elements of policy like free migration be added to the policy agenda. However, as Burt's argument points out, the contours of the field's object of study are intimately linked to the scope of the field. I will further demonstrate this in chapter three, by making a link between the way trans people have been conceptualised in relation to policy and the lack of attention to important trans issues such as poverty and citizenship status. Burt argues policy analysts should consider government silences as telling components of public policy. I agree, and I take this argument one step further, in a discussion regarding government bias leading policy scholars to ignore how people experience policy. This link will be clarified as I elaborate on the second challenge to the definition of policy.

The classical definition of policy undergoes a second shift when we take a look at the development of the stages heuristic model: As policy scholars examined the policymaking process, they noticed it included a variety of stages, for example, decision-making, implementation, and evaluation. They could not understand policymaking by simply looking at the decisions being made. It is interesting to look at some of the key debates that have unfolded in some of these stages, each of which in its own way has challenged the traditional definition of policy. The most pertinent for this current project are debates over policy implementation, more specifically top-down versus bottom-up approaches. The first position on implementation is in line with traditional conceptions of policy: Decisions are made by authoritative actors and then applied (top-down) (e.g., Sabatier & Mazmanian, 1980). The bottom-up approach, however, paints a different picture.

One major contribution comes from Lipsky (1983), who developed the notion of street-level bureaucrats to refer to those bureaucrats who deal with the public and who have discretionary power. Street-level bureaucrats include judges, police officers, teachers, social workers, and others who apply policy. Lipsky observed that bureaucrats were sometimes unaware of official policies and that their interpretations of policies happened within a larger context:

restricted resources, ability, institutional culture, and so forth. There were also times when street-level bureaucrats would resist the official policy and its objectives. Lipsky's observations are reminiscent of Bourdieu's attention to the strategies actors use in a particular rule context. It follows that in the moment a decision is made as to whether or not a policy will apply to an individual (access to a continuing education program, granting refugee status, access to particular surgeries), more is at play than the official policy. The embodiments of policy are at times far removed from official or even unofficial policy decisions, from what government has decided to do or not to do. Street-level bureaucrats may not be policymakers at the same level as politicians or top ranking bureaucrats, but their role is an essential component of the policymaking process.[19]

Lipsky has been criticised for ignoring variations among street-level bureaucrats, and in particular their level of discretion (see Durose, 2011; Evans, 2010). It is that their level of autonomy is dependent on their bureaucratic context, relationship with managers and colleagues, and policy arena (see Evans, 2010, for a summary). These debates uncover many interesting points. The first is "the need to recognize gradations of power that exist in the relationship between managers and professional workers within public services" and that "discretion is not an 'all-or-nothing' phenomenon" (Evans & Harris, 2004, p. 881). Discretion involves a choice between alternatives that takes place within a context of constraints (Vinzant & Crothers, 1998). As a result, "street-level bureaucrats are often characterized as both powerful and helpless" (Arnold, 2015, p. 310). The second point of interest is that the evolution of governance since the 1980s has impacted street-level bureaucrats' role. On the one hand, the move towards managerialism, and especially the proliferation of rules and managerial control, has limited street-level bureaucrats' discretion. However, the increase in rules has also multiplied the opportunities for these bureaucrats to be creative. For instance, they might interpret policy in a manner that is coherent with the local context in which it is being applied (Durose, 2007, 2011). The third insight is that "street-level bureaucrats do their work in a micro-network or 'web' of multiple, both vertical and horizontal, relations" (Hupe & Hill, 2007, p. 284). This third insight follows from the previous two. Street-level bureaucrats' level of discretion must be considered within the social network in which they find themselves—one including vertical relations with managers,

[19] Durose (2007, 2011) and Arnold (2015) both argue that under certain conditions street-level bureaucrats become policy entrepreneurs, that is, innovate in a more substantial and direct manner than "the aggregation of piecemeal, discretionary decisions" (Arnold, 2015, p. 311).

horizontal relations within and between administrative structures, and relations with clients (the people who interact with policies are often called clients or the administered, I prefer the term policy users).

The final insight to come out of debates over autonomy is that discretion takes many forms. Some are sanctioned by the official policy or a derivative of policy. As Lipsky (1983) himself argued, policies cannot consider every particular case, and so they must be applied. This is especially true in circumstances where a judgement must be made about the people being administered; it is the human factor. Other forms of discretion go beyond the letter of the policy. They are based on interpretations of the policy, creative applications of policies, or even the subversion of policy goals (e.g., Evans & Harris, 2004; Durose, 2011; Morgan, 2001). Lewis and Glennerster suggest, for instance, that "where eligibility criteria are drawn tightly, there is an incentive for assessors to classify a client's level of dependency such that she or he will be sure to receive service" (as cited in Evan & Harris 2004, p. 888). Another way to conceptualise forms of discretion is to distinguish process from end (Vinzant & Crothers, 1998). A good example is the work of Bouchard and Carroll, who interviewed Canadian and Québec immigration officers. These officers use both kinds of discretion:

> Agents use [procedural discretion] to verify or validate information in the applicant's application form. Most of the time, immigration officers use this discretion when they have doubts about the eligibility or the settlement capacity of a candidate for immigration. (2002, p. 248–249)

Officers can also use discretion in their final decision to recommend someone be allowed to stay in Canada. One of the authors' interviewees explained,

> If the applicant has already accumulated 70 points (which is the passing mark) but you think he is not a good candidate, you can recommend to your supervisor to refuse him. However, if the applicant does not have 70 points but you think he would adapt well in the country, you can use your positive discretion and recommend the applicant to your supervisor. (as cited in Bouchard & Carroll, 2002, p. 252)

The last point, and one that will be particularly important in part two of this dissertation, is that street-level bureaucrats' decisions are influenced by their values and biases. For example, the same study by Bouchard and Carroll found that some immigration officers used their discretion to reject individuals "on the grounds of being too deferential to the husband or for wearing a veil"

(p. 252). It has also been found that those who interact with street-level bureaucrats modify their behaviour in order to fit with perceived expectations (McDonald & Marston, 2005).

Street-level bureaucracy literature will be present throughout this project. I will examine policy ethnographies that study street-level bureaucrats when discussing citizen inclusion in policy research and again in chapter four when fleshing out my methodology in trans networks. This literature helps fill gaps in my methodological approach, which does not include empirical data collection from bureaucrats or other front-line workers (a choice I explain in chapter four). But the biggest contribution of this literature has been the inspiration to look at citizen engagements with policy. I am going to go one step further than street-level bureaucracy literature and suggest that the individuals who interact with street-level bureaucrats, usually citizens but not always, are impacting policymaking and by extension policy. Depending on how they approach the bureaucrat and explain their case, the embodiment of the policy will vary. It is possible for individuals to become policy actors—participating in the making of policy and shaping what policy will look like, if only in its embodiment. In any case, policy researchers have much to learn from policy users' points of view on government.

Looking at the ways people interact with policy more globally might clarify a lot about policymaking, but it goes against the grain in the field. Some attention has been given to the ability of policies to modify people's behaviours (e.g., policy design literature that examines tools, see Eliadis, Hill, & Howlett, 2005). In contrast, I will ask how people's behaviours affect policy as well as their policy successes and failures. More specifically, I want to know what everyday actors do to manage the role of imperfect policies in their lives.

Again, some will object that I am diluting policy beyond recognition or that what I study is not policy studies. I agree there are risks in widening the fundamental concepts of this intellectual practice, including loss of specificity or the sharpness with which they contact the world. For this reason, when scholars unpack notions like policy we should not undo them for the sake of undoing but rather to better understand how they function. This action tells us about how they frame knowledge. I will keep the traditional definition of policy as heuristic tool (like the stages model). In this project I will, however, push the limits of policy by looking beyond the intentions of official policymakers and considering how ordinary actors affect the embodiment of policy, in order to better understand policymaking. To do so, I introduce a new object of study, policy encounters. The term policy encounters is an adaptation of Peterson's (1988) program

encounters.[20] These are the points of contact between government decisions and non-decisions and people's lives. I took inspiration from the work of argumentative authors who have tried to include citizens in their research. Contrary to these thinkers, however, I study policy encounters by starting with policy users' points of view and working towards government.

Citizens in policymaking.

There are two ways that argumentative authors attempt to include citizens. The first is through participation in the policymaking process, and the second is within research on policy. As technocratic views have taken hold of policymaking, the opinion of the everyday citizen has been devalued. A parallel can be drawn to sociological approaches that are based in scientific practice but are far removed from actors' experiences. The history of policy studies at the beginning of this chapter demonstrates that policy experts have increased both inside and outside of government. Furthermore, large bureaucratic structures have called for these experts to become highly specialised. In addition, governments have developed the habit of calling on outside experts, often academics. It is not a coincidence that universities have expanded in parallel to technical policy analysis.

Fischer argues that although policy is in fact complex and does require expertise, the exclusion of citizens from policymaking "is also a function of the mystifying technical languages that serve—often intentionally—to intimidate those who attempt to deliberate with experts" (1993, p. 36). Indeed, what academic has not witnessed an intellectual hide behind elevated but empty language to position themselves as being knowledgeable?

Argumentative thinkers, especially deliberative thinkers, have argued that including citizens' perspectives in policymaking would make better policy. The Berger Inquiry is a good example. Torgerson offers a couple analyses of the Berger Inquiry into the social and environmental impacts of a proposed Mackenzie Valley Pipeline (1996, 2003). He uses this case as an example of how citizens might be helped and encouraged to give meaningful contributions to public inquiries (such as funding) as well as what dissident policy professionals might have to say. Citizen participation helped the inquiry leaders gain a better understanding of the problem

[20] I discovered Peterson through Dubois (2010).

and find better-adapted solutions. Indeed, argumentative authors have given a great deal of attention to citizen participation in policymaking and to the barriers that they face in doing so (Fischer, 2003b; Hajer, 2003). This said, they mostly keep to a traditional view of policymaking, looking at agenda setting or having the citizens at the decision-making table. Policy analysts could also study and encourage the impacted actors in their interactions with government: What makes these encounters successful? What barriers do they face? These are questions that this project will attempt to answer.

The second way that policy studies practitioners have included people is through research. This approach is suggested by, among others, Bacchi (1999), Fischer (1993), Yanow (2000), and Hajer (1993, 2003). Most have centred on government perspectives. Those who centre on policy users tend to neglect government. Indeed, a balance has been hard to find.

Some use citizen perspectives to give better advice or evidence to government. For instance, Yanow includes those impacted by policy within her analysis in order to construct the architecture of meaning of policy. She convincingly suggests that this architecture of meaning is a practical way to give advice to policymakers. Likewise, Orsini and Scala (2006) use narrative analysis and participatory policy analysis[21] to counter the kinds of evidence that are generally accepted in evidence-based policymaking. By focusing on the narratives of people living with hepatitis C in Canada, they challenge the habitual division between expert and citizen knowledge to show how people's experiences of illness can inform policymaking. I want to build on such work, all the while developing policy advice for policy users.

Another noteworthy branch of research is policy ethnographies that centre on street-level bureaucrats. In the course of investigating bureaucrats as they work, these researchers also come into contact with policy users. They are able to offer insight into the enactment of policy as well as a partial glimpse into people's interactions with policy. Dubois (2010), for instance, studies welfare bureaucracies in France by observing street-level bureaucrats in welfare offices. In the course of this work, Dubois also makes observations about the administered that entered the offices and interacted with street-level bureaucrats. McDonald and Marston (2005) research the various modes of authority case managers in Australian unemployment offices adopted with their clients. Interestingly they also study how the administered learn to narrate their reality in order to

[21] They mix both kinds of citizen inclusion into policy studies: participation and research.

meet expectations (e.g., that they had tried to find work). In both Dubois's and Macdonald and Martson's studies, more attention is given to bureaucrats than to the administered.

In contrast, Neysmith, Bezanson, and O'Connell (2005) focus solely on citizen perspectives. They attempt to study the lived effects of "neoliberal economic restructuring" (p. 7) in Ontario. Through interviews with households, they trace the experiences of the impacted. But their work is not based in a solid grasp of policy studies (or policymaking more generally). It is thus not surprising that they do not link the experiences of their participants with policies. Moreover, their explanations of policy shifts remain for the most part vague. In fact, the government perspective is missing entirely. In consequence, the authors do not contribute to knowledge for or about policy. It is unfortunate that their approach is not in conversation with policy studies. They uncover a great deal of data that, if properly analysed, might have made a significant contribution to the study of policy. They may have given insight into the role of the panoply of policies that are present in people's everyday lives, including the intersections of policy.

Unlike Neysmith, Bezanson, and O'Connell, Edin and Lein (1997) link people's experiences of poverty to specific policy and policy shifts. They examine how single mothers in the United States survived poverty by looking at their interactions with welfare and low-wage work. The authors underline some of the strategies used by single mothers to make ends meet including calling on their social networks for financial or other support, taking on side jobs to supplement their income (both official and unofficial work), and navigating social services. Not only do Edin and Lein provide insights into the real lived effects of American welfare reform in the 1980s and early 1990s, they also touch on a variety of concrete social policies such as food stamps and social housing subsidies. As a result, they create knowledge that is policy relevant. My own work will continue in this line by theorising some of the skills and strategies employed by policy users in their policy encounters.

I use a critical/reflexive methodology to position myself vis-à-vis the above policy research. Specifically, I pay attention to dominant points of view, perspectives, and the relationship between the two. First, I see my project as building on work that uses experience to evaluate policy (e.g., Yanow, Dubois), which is coherent with a Boltanski-inspired approach to critique, in which actors' experiences can be used to the challenge the real (policy in this case). Ultimately, however, the above works are in line with the field's government bias, and they frame

research primarily through government points of view and perspectives. For example, the above studies focus on one central policy arena, as defined by government. In order to counter this bias, my own work privileges policy users. My project considers four policy areas side by side (social housing, social assistance, migration, and trans-specific policy), because this is how trans people experience them. However, the work of Neysmith et al. teaches us about the risks involved in relying solely on actors' points of view and perspectives, namely results with nothing to say about policy and government. For this reason, this dissertation attempts to find a balance between policy users' and governments' perspectives. Finding this balance has consequences for the role of policy scholars. Due to this project's grounding in policy users' perspectives, it can offer advice to both government and policy users.

The role of policy scholars.

Having reviewed the topics of policy, problems, and citizens' role in policymaking, I can now consider the role of policy researchers. I believe that policy analysis is a key component of policy studies. Traditionally, policy analysts have been advisers to policymakers, but the argumentative turn opens a new avenue. Because in this framework expertise is put into context, local knowledges are valued, and the participation of citizens is encouraged, the natural role of the policy analyst is that of a facilitator and advocate for communities. Indeed, many authors consider it to be the policy analyst's duty to inform citizens in order to allow them to make their voices heard (see Danziger, 1995; Fischer, 1993, 2003b; Yanow, 2000). Because I am taking on a project that includes the impacted in policymaking and that centres on their interactions with government, I can also be a policy adviser to policy users.

As part two of the dissertation will show, focusing on people's policy encounters teaches a great deal about policymaking, therefore uncovering valuable insights for policymakers. But it also illuminates knowledge on how to best deal with the imperfect policies of an imperfect world, which can then be shared with the impacted. Policy analysis has grown over the past hundred years as an attempt to help (government) policymakers fix social and economic problems. So far this has left much to be desired. It thus makes sense for us to adapt our role as policy analysts, becoming advisers to both policymakers and policy users. Much like Boltanski argues that

sociology should enhance the capacity of actors for critique, I believe that policy analysts can take on the role of policy advisers to people, enhancing people's ability to manage difficult and complicated policy areas. A first step is to develop a better understanding of people's interactions with policies. This is one reason part two of this dissertation turns its attention to policy encounters.

A critical/reflexive methodology examines the emergence of objects of study. Policy studies has been made possible by the expansion of government, civil service reform, and government needs for outside expertise. Researchers have taken advantage of these opportunities to create a field that is problem centred and multidisciplinary, and that aims to create knowledge for and about policymaking. But the field's conditions of possibility have over time led to the development of a government bias. The field grows and evolves with government. Its scholars centre their attention on government and hope to influence government action.

Much of this work has followed the same dream that has inspired governments to tackle the fundamental problems of our societies: the belief in technical solutions. Intellectuals are so immersed in this belief that they have pushed other approaches to the margins. The argumentative turn is born from this tension. Its three branches (interpretive, deliberative, and discursive) have changed understandings of policy and policymaking. They brought meaning back into policy.

Inspired by this work, my own project examines the policy-relevant framings in policy studies, trans studies, and trans networks. In this chapter, I focused on policy studies. I argued for widening the scope of policy as a concept to include people's interactions with policies as well as that which policies systematically fail to address (such as women's issues). I then examined the role of problems and problematisations in making particular policy solutions available. Following this, I turned to limits in how citizens have been considered by argumentative authors, and I argued for the relevance of considering policy users and the relevance of centring a project on their perspectives. But I also specified that a balance must be achieved between policy users and government perspectives (an argument guided by a critical/reflexive research practice). I finished by suggesting that the role of policy analysts as advisers to people be expanded by creating knowledge that can be used to better interact with policies. And so, my project examines policy

encounters, and I hope to use this knowledge to empower policy users in their relationship with government.

My approach is, of course, coherent with the principal features of policy studies: its problem focus and its objective to create knowledge for and about policymaking. I can thus claim that my project is firmly anchored in policy studies. The next chapter will again use framing analysis, this time in examining trans studies.

Chapter Three – Trans Studies

Trans studies has been in development for over 20 years, and it includes a rapidly increasing canon as well as established conferences and courses.[22] The field has come a long way, making it possible to now take a step back and evaluate how it shapes our thinking about trans issues. Academic fields not only *examine* the world, they determine how those who are trained within them *see* the world. As intellectuals immerse themselves in a field, a new reality comes alive for them. Through this reality and its framing, these same intellectuals learn to think in certain ways. This chapter critiques this reality. More than a review of major debates and key texts, what follows is an analysis of how trans studies research is framed and issues problematised, and the effect that both have on what is thought, harder to think, or invisible.

It has been noted that trans people have personal investments in the ideas and debates of trans studies. For instance, in examining a rift between transgender and transsexual perspectives in trans theory, Elliot argues that trans authors are attached to positions derived from their standpoint. She writes: "Clearly the conceptualization and valuation of different groups depend upon the standpoint of the observer and are liable to shift as the border wars and other battles shift ground, intensify or come to an end" (2010, pp. 49–50). Again referring to the same rift, Elliot adds,

> While some of the arguments made on each side of this debate [between transsexual and transgender positions] are compelling, others less so, particularly when they are the results of defensive readings of the other's position. Unfortunately, such misreading has a tendency to reinforce an either/or logic that establishes an unhelpful opposition between transgender and transsexual persons instead of just making distinctions. Non-trans feminists must be wary of this logic, that works powerfully

[22] See Stryker and Aizura for an overview of the field's growth (2013, pp. 5–6).

> but subtly to lure one into taking sides that militates against appreciating the different desires, needs, and goals of each group. (2010, p. 54)[23]

While I agree that defensive readings are problematic, Elliot argues here that trans scholars are attached to their positions primarily as trans persons, while non-trans feminists, primarily defined as scholars, must help find a middle ground. Once again, the wise scholar is placed above the ordinary actor. In my work within trans studies and trans networks, I have found academics (trans or not) to be the most invested in their positions. They fiercely defend their perspective at the first sign of a possible disagreement.

The very fact that I have started by taking the time to study the framing patterns of trans studies makes some academics nervous. Why? Part of the answer lies in that this framing pattern helps shape not only how its practitioners view the world but also, and perhaps more importantly, how they see themselves—whether they are trans or not. In such a context, reflexivity becomes all the more important. I will argue that feminist, sexuality, and trans studies scholars are far from being disinterested actors. They have a vested interest.

It is important to note that I have a great deal of respect for people who see themselves as inhabiting a space under an umbrella of gender variance. I have personally witnessed people finding a positive outlook on themselves through trans studies' framing: its categories, values, and logic. But while the importance of this framing cannot be denied, it should not hold a monopoly in the field. One must ask if it is the best way to frame research before using it to examine trans people and policy. That is the role of a critical/reflexive scholar.

Had my analysis uncovered that the transness framing found in trans studies was the most appropriate, then I could have used it with confidence to develop my project. But this is not what happened. My analysis, which I present in this chapter, shows that the framing that dominates in trans studies performs a disservice to many subjects, including policy, by creating a disjunction between transness (gender transgression) and trans people. The transness framing's monopoly hampers thought about trans people and policy, by limiting the scope of analysis. More generally, it prevents the field from fully achieving one of its main objectives, that is, bettering the lives of trans people. As Stryker and Aizura argue in their introduction to *The Transgender Studies Reader 2*, trans people face discrimination and violence, which limit their mobility in the world.

[23] In the first citation, Elliot is comparing the positions of Namaste and Halberstam. In the second citation she is comparing Rubin, Prosser, Namaste, and Halberstam.

They write, "transgender studies in the academy therefore must—whatever else it does—address itself to these injustices and be part of the process of redistributing financial, cultural, and intellectual resources" (2013, p. 6). I will argue that by diversifying the framings of knowledge within trans studies, its scholars will be better placed to address such issues and to offer critique.

The gap between transness and trans people is a direct result of the interests that first made trans studies possible, namely feminist and sexuality scholars' investment in gender transgression. The field started off as one of radical critique, in Boltanski's sense of the term. It challenged past forms of knowledge that sensationalised trans people and that excluded all transgressive aspects of their experiences. Its critique was based on its operating logic: trans people are devalued because of their transness and transgression is the solution. Now that the transness framing has a monopoly in the field and a reach beyond it, it has become the "real" in need of critique. It is a perspective that cannot account for many trans people's experiences. But this was not inevitable. The field simply lacks the mechanisms with which to make its critical force evolve. For this reason, I offer a metacritique of the field and propose adopting a critical/reflexive scholarly practice as a solution to trans studies' impasse.

Early critiques of the field have pointed out that an overemphasis on transness has hindered trans studies' ability to produce knowledge. Indeed, many of the limits that I will bring up here have already been pointed out. Moreover, I will argue that these arguments have been influential in the development of trans studies. In spite of this, their influence has always fallen short of a re-evaluation of the field's primary focus on transness through gender variance. The field has resisted incorporating new points of view that could challenge and expand its perspective, by for example creating new objects. This resistance is in part facilitated by the discursive practices of the field. Scholars are not expected to seek out new points of view. Instead of taking a critical/reflexive approach to early critiques, authors have “added in” their findings to a pre-established research agenda in the hopes of remediating past shortcomings. I will argue here that this solution intervenes at the level of content, but that the problem is one of form. To move forward, scholars must address the transness framing's monopoly in the field.

One of the main challenges to changing the framing of trans studies is the resistance of scholars. Ultimately, the field persists as it does because it fits the worldview of contributing academics. This framing suits our needs as intellectuals, and in particular our desire for entertaining and interesting reflection. I am not suggesting we ignore transgression, gender

norms, and identity. To the contrary, they are very important. They are linked to structural violence against trans people. In addition, some of my participants and key informants see the world in these terms. Their voices and experiences are part of every chapter. I will not, however, use this framing to conduct research. This nuance between content and form is central to my argument.

In order to make my argument, I will first present an overview of trans studies' most prominent framing devices, giving readers a broad overview. I will then review some of the principal ways of knowing about trans people and explain how trans studies differs. Following this, I will explain trans studies' intellectual precursors and major themes, as well as early critiques of the field and their reception. These elements will set the stage for a discussion of framing in trans studies. Once trans studies has been thoroughly reviewed, I will show that the transness framing confines the study of policy by limiting which policies are examined. Trans studies has been heavily influenced by poststructural critiques of culture, society, and politics. The time has come to use (post)structuralism to assess the field and to question the conditions of possibility of its object of study, its categories, its logic, the way it problematises the world, and the reality it produces.

By the end of the chapter, it will be evident that the field of trans studies needs a greater plurality of framings. Furthermore, critical/reflexive scholars should teach students of this field to ask if the framing they adopt is the most appropriate for their intellectual endeavours and demand of themselves that they justify their choice.

General Features

A couple introductory explanations about my interpretation of trans studies are required. The first thing to note is how I developed the corpus used to examine trans studies. I started with key texts, that is, works that are frequently cited as foundational to the field. I examined special issues of journals (e.g., Special Issue: Transgender Studies and Feminism: Theory, Politics, and Gendered Realities, from *Hypatia*, Bettcher & Garry, eds., 2009). I also analysed the *Transgender Studies Reader* (Stryker & Whittle, Eds., 2006) and the *Transgender Studies Reader 2* (Stryker & Aizura,

Eds., 2013). These are the only two readers, to my knowledge, that seek to introduce the field proper. From here, I traced the field through its texts' citations of other works. The second thing to explain is my use of the term trans studies over the more common transgender studies. "Transgender studies" already puts gender before sex. As my argument unfolds, the reader will learn about why this assumption leads to faulty or incomplete policy analysis. I use trans studies to leave open the relationship between sex and gender. Although I aim to offer a radical critique of the field, my ultimate purpose is to push for a rebranding of the field. A move towards trans studies could be an option. Below is a summary of the analysis and findings presented in this chapter. Each point is developed and supported in the body of the chapter.

Trans studies emerged in the mid-1990s. The conditions of possibility that I identify in this chapter for trans studies are related to the institutional settings of the field. Trans studies was spearheaded by networks of academics with an interest in the gender troubler / trans person. Specifically, the field is centred on a particular relationship between queer theory and feminist studies that passes through transness. The field is also marked by its white, anglophone, American, middle-class, and academic origins.

The conditions of possibility of the field have led to a particular value set, which is used to critique the realness of the world. Trans studies critically engages with past knowledge that devalued and sensationalised trans people, especially transgressive trans people. This engagement was the first step towards using transgression as a normative guide with which to evaluate cultural productions, scholarly work, or policy. Second, trans studies values trans people's voices—they are the experts of their own lives. The value of transgressive voices is especially high, and they were initially the exclusive focus of the field. Criticism of the field's early position on transsexuality led to a modification of this position. Today within trans studies, all trans people are considered as, in some way, transgressing gender and disrupting the gender binary. Those elements of their voices (transness) are valued in the field and used as points of view.

The object of study of trans studies, transness, brings specific categories into a particular relationship. Transness is premised on an analytical separation of, and close relationship between, gender, sexuality, and sex. Gender is the most prominent of the three, followed by sexuality, and then sex. Other categories such as race and class are also considered. This ordering is a result of the conditions of possibility of the field. There are other ways of doing things. For example, some trans people (and alternative framings) prioritise sex or sexuality over gender. This chapter traces

some of the forces that have constructed gender as the most progressive starting point for thinking about trans people and issues.

Gender is the primary analytical category of the field. It is used to organise information and describe diversity, but also to guide thought. People think through gender. Elements of trans people's lives that are closer to gender get more attention. The content pattern of the field closely follows this framing. Therefore, when examining trans people and policy, scholars look at gender-specific policy or gendered aspects of policy.

The next feature of the transness framing is its operating logic and problematisation. Following from the primacy of gender and transgression, the field proposes that problems faced by trans people are because they are trans. It is their transness (gender transgression) that is discriminated against and that incites violence. The gender binary is to blame. Good policies, cultural productions, and scholarly work are those that can not only account for transgression—as defined by the field, that is, gender that disrupts the gender binary—but also encourage it. Indeed, the primary solution proposed by trans studies is more transgression.

The effects of this framing are accentuated because it holds a monopoly in the field. Other options are not even discussed. It is common sense to study trans people via their gender even when admitting that trans people are not reduced to their gender. Parts of trans people's lives that are not transgressive or related to gender are ignored. It is thus hard to find anything of substance in the literature with which to understand trans people and social housing, the refugee process, or social assistance policy.

Different Kinds of Knowledge About Trans People

There are many kinds of knowledge that address trans people. My intervention in trans studies is due to the field's influence in the social sciences. A review of a few other kinds of knowledge—medical, feminist, sociological, cultural, and community based—helps demonstrate the importance of trans studies, why it engaged critically with past knowledges, and how it differs from them.

Medical knowledge is a major site of power. Its practitioners often decide who will have access to what treatments and how.[24] For example, Benjamin, a psychiatrist and the author of *The Transsexual Phenomenon* (1999[1966]), developed tools to identify and care for transsexuals. The World Professional Organization for Transgender Health (WPATH), which has built upon his work, still publishes the *Standards of Care* for health professionals (2012[1979]). Medical practitioners are also responsible for developing some of the technologies that allow trans people to modify their bodies. Endocrinology, the science of hormones, has made possible the production of synthetic hormones such as estrogen, progesterone, and testosterone. In addition, without the surgical techniques involved in sex reassignment surgeries, trans people would have fewer options to modify their bodies (see Rubin, 2003, for a partial history of the development of hormones and surgeries for trans men, and the *Standards of Care*, 2012, for an explanation of some available treatments). Trans studies authors have pointed out, however, that medical professionals have also limited trans people's choices. Stone's work in the next section exemplifies this critique.[25]

Academics from several disciplines and fields, sociology and feminist studies being two of the most important, have contributed to knowledge about trans people. These academics' considerations of trans people predate and have continued in parallel to trans studies. Some prominent examples from sociology include Garfinkel's (1967) work on Agnes, Newton's (1972) on drag queens, McKenna and Kessler's (1978) on the social construction of gender, and Ekin's (1997) on transvestites. Although trans studies scholars read these works,[26] they are not a part of the field proper. Most predate trans studies and do not share the same characteristics. For example, these texts do not value transgression as a politics, nor do they bridge feminist and sexuality studies.

Feminist scholars have also written about trans people for some time, though much of these scholars' work has been unfavourable. Raymond (1979) is the most famous example. She

[24] This power is reinforced by policies. In Québec and Ontario, for example, trans people who want to access state-funded sex reassignment surgeries must get letters of support from medical professionals such as psychiatrists, psychologists, sexologists, family doctors, and endocrinologists.

[25] Considering the large impact that HIV/AIDS has had on trans communities, it is important to mention epidemiology, the science of how diseases occur in populations. Some work has attempted to determine the prevalence of HIV in trans populations as well as risk factors including the social determinants of health (see Herbst, et al., 2008, and Melendez, Bonem, & Sember, 2006, for an American overview, and Giami & Bail, 2011, for an international review).

[26] Excerpts of the texts cited above are included in *The Transgender Studies Reader* (2006), which traces, through its collection of key texts, the formation of trans studies.

claimed that transsexual women were an extension of patriarchal power and were effectively raping women when entering women-only spaces. The hostility of some feminists towards trans people has shaped the debate. Even feminists who speak positively of trans people must start by positioning themselves vis-à-vis the relationship between feminism and trans people. For example, Butler (2006[1990], pp. vii–viii), Hayes (2003, pp. 1093–1094), and Elliot (2010, pp. 17–31) all start by affirming their primary allegiance to feminism, and then positioning themselves regarding tensions, past and present, between feminists, queers, and trans people. As shown in the themes section below, trans studies scholars have reacted to past feminist writings, making Raymond one of the most cited authors in their field.

Medical professionals and academics are not alone in producing knowledge about trans people. Importantly for this project, there are laws and other policies that address trans people specifically. For instance, if the law requires that trans people get a letter from a psychologist or psychiatrist before they can access sex reassignment surgeries, it informs who is said to be a transsexual. When certain surgeries are required to change one's legal sex, trans people become officially recognised by certain means. Thus, policy is a way of knowing what affects people's lives directly. The last section of this chapter will discuss how authors using the trans studies framing have examined these types of policies.

Cultural productions represent another major form of knowledge that contributes to trans issues. Even mainstream media now covers trans issues on a regular basis. There is an abundance of representations of trans people in film, television, literature, and art. For example, *Lawrence Anyways* (2012) is a film about a trans woman's transition and its effect on her romantic relationship. *Cover Girl* (2006–2007) is a television show that depicted the lives of drag queens in Montréal. Set in Toronto, *Degrassi High: The Next Generation* traces the transition of a young transgender student named Adam (seasons 10–13). Tremblay developed the character of La Duchesse, a *travesti*, in his famous series *Chroniques du Plateau-Mont-Royal* (1978–1998). These are just a few examples of trans people's representation in Canadian and Québécois cultural productions. Trans studies has dealt extensively with American cultural productions: their representations and sensationalism. One is more likely to hear about Christine Jorgensen's transition, movies like the *The Crying Game*, and Chaz Bono's appearance on *Dancing with the Stars* than the Canadian examples above. The importance of this disproportionately American focus is further discussed below.

Finally, a great deal of knowledge is produced and circulated in trans networks and communities. There is a documented history of trans people sharing knowledge on services, treatments, and work opportunities (see Foerster, 2006, in Paris; Namaste, 2005, in Montréal; Prieur, 1998, in Mexico City; Valentine, 2007, in New York). Written material has also come out of trans networks, such as through needs assessments (e.g., Namaste, 1998), guidebooks for social service providers (e.g., Ezra, 2011), and advocacy work (e.g., Scott & Lines, 1999). Knowledge that is produced and circulated in trans networks is centred on practical information to help trans people or to inform policymakers and service providers.

By the time trans studies emerged, it did so in a world that already had many ways of knowing about trans people (medical, sociological, or feminist, or based in policy, cultural production, or community). These other fields do not frame knowledge in the same ways as trans studies. They do not bridge feminist and sexuality scholars, centre on transness, or promote transgression of the gender binary. Trans studies interacts differently with each of these forms of knowledge, critiquing some and building on others. As the following pages show, authors in trans studies have done a great deal of work to counter negative knowledge that sensationalised, ridiculed, or vilified trans people. They have also questioned the authority of certain professionals to determine who is trans. Challenging past knowledge is a trend already present in some of the intellectual precursors to trans studies to which I now turn.

Precursors to Trans Studies

Although the forms of knowledge addressed above reveal a lot about the context out of which trans studies emerged, an understanding of how this field came to frame scholarship on trans people and issues must consider its immediate intellectual precursors. The field was made possible by shifts in the early 1990s within feminist and sexuality studies. These two fields started a new conversation on gender transgression, which mobilised an audience and opened a door for some trans authors to be heard. The conditions of possibility of trans studies may not determine the totality of its future, but they provide insight into the field's strengths and limits. I will show that reflecting on these conditions is the key to moving forward.

Two texts that symbolise the shift that made trans studies possible are Butler's *Gender Trouble: Feminism and the Subversion of Identity* (2006[1990]) and Stone's *The Empire Strikes Back: A Posttransexual Manifesto* (1991). *Gender Trouble,* first published in 1990, was Butler's attempt to bridge queer and feminist positions (see the 1999 preface). It quickly gained popularity in both queer and feminist circles. Quoting Sedgwick, Prosser underlines this explosion:

> Anyone who was at the 1991 Rutgers conference on Gay and Lesbian Studies [another canonizing mechanism], and heard *Gender Trouble* appealed to in paper after paper, couldn't help being awed by the productive impact this dense and even imposing work has had on the recent development of queer theory and reading. (cited in Prosser 1998, p. 24, Prosser's addition) [27]

Later, I will suggest some reasons why academics were so quick to engage with Butler's work, but first it is necessary to take a closer look at the ways in which *Gender Trouble* has been productive.

The most fascinating aspect of the text's reception is the focus on drag as a stand-in image for gender despite the fact that, as Butler (1993b) points out, the passage is not very long. In fact, drag is discussed in less than three pages (2006[1990], pp. 186–189). However, as Prosser (1998) has argued, it gave meaning to the entire text. It is through the drag queen passage that readers grasped Butler's theory of gender: a copy of a copy, purely performative. This reading is coherent with Butler's own view of drag. She writes, "Drag fully subverts the distinction between inner and outer psychic space and effectively mocks both the expressive model of gender and the notion of a true gender identity" (2006[1990], p. 186). Drag reveals the construction of gender. As this citation shows, for Butler, politics is closely linked to the subversion of gender norms, making drag not only an image of gender, but also an image of politics.[28]

It is common for influential authors to revisit their initial ideas to make clarifications and/or modifications, which Butler did. She has made her theory evolve by answering critiques she thought were pertinent. In 1993, she clarified the difference between performative and performance, a confusion caused, in part, by the image of drag (1993b). Butler has not changed her view on drag's role for understanding. She writes, in *Undoing Gender* (2004),

[27] For the original text, see Sedgwick (1993).
[28] As Butler (1993b) has aptly specified, drag is not necessarily subversive.

> How is it that drag or, indeed, much more than drag, transgender itself enters into the political field? It does this, I would suggest, by not only making us question what is real, and what has to be, but by showing us how contemporary notions of reality can be questioned, and new modes of reality instituted. (p. 217)

Butler does not question the function of drag in her text, that is, as a tool of apprehension for gender and politics. Drag is a framing device, or more specifically a discursive practice that makes the real real. In fact, Butler extends this role to "transgender itself."[29] Because of Butler's popularity, and especially the popularity of the drag image, transness is intimately connected to considerations of gender, gender transgression, and gender and sexuality.

I now address what pushed readers to adopt Butler and drag so quickly; I posit that the reception of *Gender Trouble* was due to the fact that its ideas of gender and sexuality resonated with academics in certain feminist and queer networks, and nothing more. The text channelled an energy that was already present, by giving it a voice, a language, and an image. I would like to suggest that Butler's reception, and rapid ascent, says more about academics than it does about gender. Drag, as discussed by Butler in *Gender Trouble*, does not say anything about trans people. It does, however, say something about the kind of interest academics have in gender and the importance they attach to gender variance. Butler, after all, wanted to secure butch lesbians' place in feminism (see the 1999 preface, p. viii).

Gender is an obvious topic in gender studies. Sexuality studies authors, who were beginning a shift from gay and lesbian studies to queer theory in the same period as Butler's early reception, also had an interest in gender variance. From the onset of queer theory, its authors questioned the categories that shape sexuality, including gender. In fact, many of the founders of queer theory were feminists. In his genealogy of queer theory, Turner argues that

> the concerns of queer theorists for sexuality, gender, and the relationships between the two, as well as their political and intellectual ramifications, grow distinctly out of feminist political and scholarly activity as much as, if not more than, out of gay political and scholarly activity. (2000, p. 5)

As drag could perform the intellectual role of destabilising gender and complexifying its relationship to sexuality, as well as conjuring up a parallel view of politics, it became a useful

[29] The ethics of using transgender in this fashion has been put into question, as discussed later. For a critique of feminist uses of trans people for the purpose of theory making, see Namaste (2009).

thinking tool for queer theory. In short, Butler put transness centre stage, and this helped fuel a burgeoning conversation between feminist and sexuality authors. It helped bring sexuality into gender, and gender into sexuality.

Fields of research cannot be developed without an audience, and so this interest is a key component of trans studies' emergence. But Butler did not create a new interest. As Bourdieu notes,

> *Nous avons intérêt aux problèmes qui nous paraissent intéressants. Cela veut dire qu'à un certain moment un certain groupe scientifique, sans que personne ne le décide, constitue un problème comme intéressant : il y a un colloque, on fonde des revues, on écrit des articles, des livres, des comptes rendus. C'est dire que "ça paie" d'écrire sur ce thème, ça apporte des profits, moins sous la forme de droits d'auteur (ça peut jouer) que sous forme de prestige, de gratifications symboliques, etc.* (2008, p. 343)

Butler's text symbolises a moment in which, without anybody deciding it as such, a topic (transness) became interesting. Butler harnessed this interest, and consequently, she helped open the door for publications that discuss the trans figure. Even today, it pays to talk about trans people. But importantly, this opening also determined which aspects of trans people were of interest. As Prosser argues,

> That transgender can emerge as a "studies" in the late nineteen-nineties, that the figure at the center of many of transgender's projects is the "gender troubler," is largely due to Butler's canonization (both the canonization of Butler and her inadvertent canonization of transgender): "*s/he*"—the transgenderist, the third camp term whose crossing lays bare and disrupts the binaries that found identity—threads prominently through the self-declared first reader in the new field of transgender studies. (1998, pp. 26–27)

As queer theory holds transgression in the highest regard and gender studies examines gender, it is not surprising that they both influenced trans studies; in fact, they made trans studies possible. With that said, the interest *Gender Trouble* nurtured within feminist and queer circles is not really an interest for trans people. It is primarily a concern for transgressive gender identities, for transness. And now, transness has become the object of trans studies. In Butler's defence, she never claimed to talk about trans people. The distinction between trans people and transness will

be important later in my argument. For now, the reader can note that it was a shared interest in transness that forged a bridge between sexuality studies and feminism, and to this day, queer and feminist scholars remain the primary audience of trans studies. For example, the Simone de Beauvoir Institute at Concordia University has a trans studies course. It is housed in the feminist institute and primarily attended by students in gender and sexuality studies.

Stone's *Posttransexual Manifesto* (1991) also helped to build an interest in trans people and to define the scope of the future field of trans studies. In this text, Stone argues that medical notions of transsexuality were constructed through the generalisation of interactions between medical experts such as Benjamin and some transsexuals. Other public voices, like autobiographies, have been "complicit," according to Stone, with these views, eliding many central aspects of trans people's experiences that go against the gender binary or that call into question its relationship to sexuality. This is radical critique. Stone's argument is that trans people's voices need to be heard even if they go against dominant framings of knowledge, in this case medical and cultural—a perspective that is now central to trans studies. Stone goes one step further in calling on transsexuals to come out of the shadows and publicly assume their gendered history. She writes,

> I could not ask a transsexual for anything more inconceivable than to forgo passing, to be consciously "read," to read oneself aloud—and by this troubling and productive reading, to begin to *write oneself* into the discourses by which one has been written—in effect, then, to become a (look out—dare I say it again?) posttranssexual. Still, transsexuals know that silence can be an extremely high price to pay for acceptance. I want to speak directly to the brothers, sisters and others who may read/"read" this and say: I ask all of us to use the strength which brought us through the effort of restructuring identity, and which has also helped us to live in silence and denial, for a re-visioning of our lives. I know you feel that most of the work is behind you and the price of invisibility is not great. But, although *individual* change is the foundation of all things, it is not the end of all things. Perhaps it's time to begin laying the groundwork for the next transformation. (1991, p. 299, emphasis in original)

A *posttranssexual* is a trans person who does not fit the model of transsexuality laid out by medical professionals and who, nonetheless, finds a public voice. They represent a state of being and politics that undoes gender constructions. As Butler's theory of gender channelled energy

found in feminist and queer circles, so too did Stone's call amplify the energy in trans activist networks. Her call was decisive. The word posttranssexual was soon replaced by transgender. Feinberg (1992) was one of the first to use the word transgender in a published work to refer to transgressive trans people.[30] In the years following Stone's text, trans authors began to answer her call (e.g., Bornstein, 1995[1994]; Feinberg, 1996; Stryker, 1994; Wilchins, 1997). No one who works in these milieus can contest that these authors' texts were devoured by many feminists, sexuality scholars, and gender transgressors alike.

Another significant contribution made by the *Posstranssexual Manifesto* was to offer an operating logic, the problem representation par excellence, that today holds an almost perfect monopoly in trans studies. In their introduction to a special issue of *Hypatia* on trans people, Bettcher and Garry comment on the impact of Stone's text:

> Some of the key ideas that have taken hold [from Stone] include the notion that trans oppression may be explained in terms of the gender binary and the notion that the categories “man” and “woman” are both socially constructed and oppressive. (2009, p. 3)

In trans studies, certain statements are presented as not needing further analysis or evidence: The gender binary is oppressive because transgression is punished. Trans people are sensationalised by the media because their gender transgresses norms. They are discriminated against because their gender transgresses norms. They face violence because their gender transgresses norms. Nothing could be more obvious within the transness framing. This is the critique the field repeats over and over, to the point of having produced a new "real," which is now itself in need of critique. The solution to the problem the field presents is equally clear to many, and it is found in Stone's seminal text: to find ways to disrupt the gender binary and to lay claim to a place for transgressive genders in all echelons of society, polity, and culture. This is a value trans studies shares with queer theory.

Both Butler and Stone engaged, simultaneously, feminist and queer thinkers. Both stimulated an interest in transgression. Stone, especially, argued for the need to contest past knowledge about trans people. Building on Butler, Stone also identified the backlash against transgression as the cause of problems faced by trans people. Furthermore, she argued the

[30] The word transgender had been circulating in community networks before Feinberg's use. For a more complete history of the term, see Currah, Green, and Stryker, 2009, pp. 2–6; and Valentine, 2007, pp. 32–35.

solution was transgression. Butler and Stone shared a politics that centred on the disruption of the norms related to identity: sex, gender, and sexuality. Finally, both authors posited a constructed gender. Clearly, the key features of trans studies, named in the first section of this chapter, were present in the texts of these two precursors. These features continued to be central in the formative years of trans studies, during which time the above framing devices organised around a new object: transness.

Themes and Evolution

Early topics.

The formative years of trans studies, which spanned roughly the 1990s, crystallised the transness framing. Some of the prominent topics from this period include transgressive genders, trans-genders[31] and feminism, trans-genders and sexuality, the history of gender (especially trans-genders), and transgressive genders in culture.

By far the most common subject in trans studies is gender transgression. Authors who touch on this subject in the field's formative years include Feinberg (1996), Bornstein (1995 [1994]), Stryker (1994), Wilchins (1997), and Halberstam (1998). They all make a connection between trans people's transgressive genders and the hardships they face. For example, Bornstein explains that it is because trans people are gender outlaws that they are terrorised. Beyond linking trans-genders and discrimination, the authors from this period revalorise gender transgression. After giving examples of how gays and lesbians have rejected trans people as monsters, Stryker reclaims the monster status—and the subsequent transgender rage—as a positive force. Another way that authors valorise transgression is by showing that gender variance is a widespread phenomenon. Feinberg argues that gender variance has been a part of all of human history. Halberstam illustrates gender variance in culture, by showing a range of female masculinities in film, literature, and performance. As with Stone's *Posttranssexual*

[31] With "trans-genders," I am using "trans" as an adjective that describes a particular set of genders.

Manifesto, there is a politicised dimension to these authors' work and a call for others to come forward as gender outlaws, warriors, monsters, or in one word: transgender.

In their attempts to valorise gender and sexual variance, some authors have been hostile towards trans people who do not transgress gender norms. Bornstein writes,

> Non-supporters of any movement to deconstruct gender would also, unfortunately, include those transgendered people who subscribe fully to the culture's definition of gender, and seek to embody those definitions within themselves. It's the agreement with the dominant culture that keeps people believing in this gender system. (1995[1994], p. 132)

Bornstein would hopefully choose her words more carefully today. As we will see below, trans studies scholars have since made sincere attempts to valorise trans people who do not see themselves as transgressive. But this has been accomplished by scholars considering these trans people to be transgressive, even when the people themselves do not.

The second key topic of trans studies is the relationship between trans people and feminists. Having discussed feminist perspectives above, I will limit my comments here. Two dimensions of this theme interest me. A first, anchored in trans studies, reacts to past writings of feminists such as Raymond. The works cited in the previous paragraph, by Halberstam, Stryker, Bornstein, and Wilchins, all take aim at Raymond's claims. A second dimension to this topic is feminist examinations of gender. Hausman's (1995) work is one example. She traces the genealogy of transsexuality through the evolution of technologies in order to examine the history of gender. Trans studies scholars examine feminists, and feminists examine trans people.

The third subject is gender and sexuality. This topic puts trans studies in conversation with sexuality studies. The reader will remember that in Butler and Stone, the normalised link between sexuality and gender is put into question—in Butler, the relationship between butch women and women, in Stone between transsexuality and heterosexuality. Nonetheless, in both cases, sexuality and gender are considered side by side. The proximity between gender and sexuality was reiterated throughout the 1990s and is a key feature of transness. There were claims over historical figures and events, as authors tried to separate gay identities from trans identities, gay history from trans history. For instance, some engaged in border wars, which revolved around distinctions between butch lesbians and trans men (see Halberstam, 1998; Rubin, 2003). Lastly, a coherent genesis of trans identities was constructed whereby transness

was born out of a separation from homosexuality. This chronology is well documented in *The Transgender Studies Reader* (2006), which includes texts from von Krafft-Ebing (2006[1877]), Hirschfeld (2006[1910]), Cauldwell (2006[n.d.]), and Benjamin (2006[1954]). All of these texts work within the sphere of medical knowledge to separate transness (at the time in the form of transvestism, transsexuality) from homosexuality. Notably, authors during the formative years of trans studies often lay claim to both transgressive genders and transgressive sexualities. Bornstein is one example; she identifies in her text as both lesbian and transsexual (1995[1994]). In short, some authors secured gender's place next to sexuality while others simultaneously distinguished gender variance and sexuality.

Early critiques and their reception.

Near the end of the 1990s, authors started to point out some of trans studies' limitations. I will here review three sets of critiques related to gender, sexuality, and trans studies' Anglo-American focus. The most important set of limitations relates to gender. Although gender is the predominant topic of trans studies, many trans people have never heard of it, and for others, it does not constitute a significant element of their worldview. Moreover, trans studies has been charged with reducing trans people to their genders. Second, the way gender has been conceptualised by the field, as a form of social constructivism based on performativity, is said to exclude important dimensions of trans people's realities and experiences. This same conception of gender clashes with the worldviews of policymakers, making discussions across frames challenging. Third, the field has been accused of having interest solely in transgressive genders. I discuss each of these critiques below.

American feminists started using the notion of gender as early as the 1970s (see Scott, 1986). The concept of transgender began to gain traction in the United States in the early 1990s (Currah, Green, & Stryker, 2008), but it did not circulate evenly in all contexts. Valentine (2007), whose ethnography of the category of transgender takes place in New York in the 2000s, uncovered that many of the people included in “transgender” HIV prevention programming thought of themselves as gay. The analytical separation between gender, sex, and sexuality he encountered in his fieldwork did not always match those found in a transness framing. To say

that the women Valentine spoke with were wrong or misguided in their views of self would be to go against one of trans studies' principal values, that is, that trans people are the experts of their own lives. When thinking about gender, one has to be careful to properly circumscribe the geographical and temporal contexts. It cannot be assumed that gender exists everywhere or that it is the only category with which to understand trans people.

Beyond considerations of the reach of gender from context to context, critiques also included the reminder that trans people's lives are not reduced to gender. In the opening lines of *Invisible Lives*, Namaste writes,

> Research and theory in psychiatry, the social sciences, and the humanities are preoccupied with issues of origin, etiology, cause, identity, performance, and gender norms. These questions are not unwarranted. But our lives and our bodies are made up of more than gender and identity, more than a theory that justifies our very existence, more than mere performance, more than the interesting remark that we expose how gender works. Our lives and our bodies are much more complicated, and much less glamourous, than all that. (2000, p. 1)

It is almost banal to state that trans people must not be reduced to their genders. Yet, it is just as natural to examine trans people via their genders, and the predominance of gender as a topic in trans studies speaks to this. The tension between these platitudes should encourage scholars to engage in critical reflection. Should trans studies be a field about trans people, about gender variance, or both?

Critiques of gender's place in trans studies also address the ways gender is conceptualised. The starting point of trans studies, through the influence of poststructuralism, is the social construction of gender. This version of social construction posits that gender is produced through performative acts. This view of gender is present in Butler's and Stone's texts as well as the works of those authors who followed in the formative years of trans studies. Prosser (1998) notes that poststructural analysis does explain how people embody themselves through narration. Similarly, Rubin (2003) argues that the construction of gender obscures how people see themselves. Some of the transsexual men who participated in his study were resistant to what he calls the history thesis, which contextualises transsexual men's identity in a historical context that makes it intelligible. In order to give space to their views, Rubin calls upon phenomenology and interviews with transsexual men that started from the "I" point of view,

allowing for transsexual men to have core male identities. These critiques are reminiscent of Bourdieu and Boltanski's frustrations with structural approaches that left no room for actors.

Accountable theory about trans people must discuss the construction of gender and worldviews about core identity side by side. Not only is a sense of a core identity important to some trans people, it guides their thoughts and actions, including how they interact with policy. Therefore, it must be considered in a project on trans people's relationship to policy. As trans people are the experts of their own lives, researchers must also respect core identity, regardless of whether their personal worldview centres on social construction—a concept that itself is historically situated. These critiques, again, convey the importance of reflexivity, and remind scholars to turn the tools of their trade towards themselves.

In this chapter, I am using many of the same poststructural insights used by trans studies scholars. Whereas Stone (1991) looked at the emergence of transsexuality, I look at the emergence of transness. Trans studies has used poststructuralism to study the social construction of gender and trans identities in order to uncover aspects of trans people's lives that had remained invisible to other forms of scholarship. In so doing, it has itself created a constellation of meaning that produces a particular gender reality and invisibilises some trans people. Rubin's (2003) use of phenomenology brings this to light. In chapters four and five, I will explain how I accessed some of trans people's experiences with the help of ethnographic-inspired fieldwork and interviews centred on participants' daily lives.

In addition, relying solely on constructed dimensions of gender sometimes hinders scholars' and advocates' ability to act in the world. In their introduction to the first of two special issues on trans people in *Sexuality Research and Social Policy*, Currah and Spade (2007) underline that the construction of gender clashes with the worldviews of policymakers, potentially adding an extra level of difficulty to advocacy work. Trans studies is ill equipped to discuss across frames. And the strength with which its scholars hold to transgression makes it difficult to find a middle ground.

Having reviewed critiques taking aim at the universality of gender and trans studies' one-dimensional view of gender, I next consider the limits of the field's quasi-exclusive focus on transgressive genders. I have already noted how sexuality and feminist studies have vested interests in gender transgression. Rubin argues, "this sort of scholarship fetishized transsexuals, either as 'gender revolutionaries' or as 'gender traitors'" (2003, p. 163). Rubin is referring to

feminist theory, although the remark could easily extend to authors such as Bornstein. Indeed, Namaste (2000) notes that Feinberg, Wilchins, and Bornstein are all heavily cited in trans studies but argues that they do not represent the diversity of trans people. Prosser (1998) argues that the use of trans lives in queer theory is based on the assumption that trans people are subversive. For him, Stone's posttranssexual does not live up to its promise because it negates many trans experiences and does not leave room for progressive forms of transsexuality. Trans studies emerged from the need to create space for trans people who did not fit normalised views of transsexuality. It was made possible by the interest that feminists and queer theorists have for transgressive genders. But in the end, authors in the formative years of trans studies tended to focus on transgressive gender variance, leaving others in the dark and indeed reproducing the exclusion of past forms of knowledge. Correcting this bias cannot be achieved simply by adding in transsexuals to previous trans studies practices, in phrases like "transgender and transsexual," for example. Ultimately, this is an issue of framing research, scholarship, and knowledge. It is about form rather than content. Moreover, this situation cannot be resolved through a new framing's monopoly. Trans studies will need multiple framings to account for trans people's realities.

Trans studies' focus on gender transgression has another limitation. Many are uncomfortable with the role that the term transgender has taken on. It has been used by trans studies as an umbrella term bringing together all those who exhibit gender variance, but many have resisted the term. O'Hartigan writes the following in the essay “'Transgender' as Borg”:

> "Transgender" was promoted as an "umbrella" term for anyone who "violated" gender "norms." Identity politics merged with a one-size-fits-all ideology, resulting in a blanket indictment of gay, straight and ex-males with the charge of being "gender outlaws." Long-time transsexual activists such as myself found it difficult to imagine what issues we had in common with straight, cross-dressing men—but no matter. In the name of unity, convenience and political effectiveness, we were told to not only lay aside our differences but to deny such differences existed at all. (1997, pp. 1–2)

In a similar vein, Valerio states that transgender does not describe him very well, and that he has little in common with the people the notion brings together. He writes,

> I have never felt that the word "transgender" describes the very real and vital biological sex change process at the core of transsexuality. Now this literally

> desexed word (taking the "sex" out of transsexual) has become the umbrella term for all people who transgress or transverse gender boundaries. (2002, paragraph 2)

While O'Hartigan and Valerio actively resist the term transgender, others pay it no heed, as is the case with the program participants grouped under the rubric of transgender in Valentine's ethnography discussed above. Some of them consider themselves gay despite being told they are transgender. Valentine (2007) warns that insisting they are transgender despite their resistance positions transgender as a more developmentally advanced identity and does violence to these participants. I agree.

Academics in trans studies have engaged with these gender-related critiques primarily through a transsexual–transgender divide. The quotation from Elliot cited at the beginning of the chapter references this tension. Like Elliot, most responses have been to declare that some do not consider themselves to be transgender or transgressive. Scholars state the importance of including transsexuals but do not reconsider their research framing to do so. Because this framing is based on gender and transgression, the only solution is to consider all trans people as somehow transgressive, even when stating that they are not. Again, the contrast between content and form is important.

The first set of critiques of scholarship in trans studies' formative years relate to gender: gender does not exist in all contexts; trans people's lives cannot be reduced to gender; trans studies has conceived of gender in limited ways; and trans studies almost exclusively focuses on transgressive genders. The second set of limitations critiqued relates to gender's relationship to sexuality. Through variations on the theme of trans-genders and sexuality, trans studies produces a spatial conception of gay and trans people with a shared border. This proximity creates a natural albeit explosive alliance, in which conflicts are generally seen as worth resolving. Trans studies positioned the primary trans political space next to queer and sexuality movements, instead of, for example, prioritising antipoverty or antiracism. But trans people do not convincingly have the same political priorities as gays and lesbians. And as Namaste (2005) argues, not all trans people see themselves within a lesbian and gay framework. Namaste did research in Québec, where many trans people have no relation to gay and lesbian networks. Rubin (2003) encountered a similar phenomenon. He interviewed transsexual men who had never been part of lesbian communities. Furthermore, as Valentine (2007) points, the separation of gender and sexuality that makes transgender possible is particular to recent Western history,

which can easily slip into a form of developmentalism whereby trans studies scholars place transgender at the apogee of realities included under the rubric of gender variance.

A third set of limitations stems from the corpus of trans studies being predominantly Anglo-American and white. Consider *The Transgender Studies Reader* (2006) as an example. Only two of its texts were originally written in a language other than English, in this case German. Von Krafft-Ebing's (2006[1877]) and Hirschfeld's (2006[1910]) inclusion in the anthology is telling. Both texts were written prior to trans studies' emergence and are part of a common historical narrative that traces the birth of current transsexual subjectivity through a separation from homosexual subjectivities within the medical sphere of knowledge. Not only is there an almost exclusive engagement with English writings, the vast majority of the texts included in the reader originated from the United States. This is in part explained by the editors' decision not to do an "'around the world in eighty genders' global survey of gender-diverse practices and identities" (Stryker, 2006, p. 14). The editors were right to avoid tokenism. As it stands, the reader makes visible the American bias of the field—for example, the belief that gender exists all over the world. North American and in particular American genders are developed throughout the collection, and this is representative of the field at large.

Despite being predominately Anglo-American, trans studies has been used in other countries and languages. The works of Kulick (1998) and Prieur (1998) on trans people in Latin America are two examples. Lewis (in Lewis and Namaste, 2011) argues that both authors (especially Prieur) are guilty of transposing theory and questions from one context to another without properly engaging with scholarship in Latin America. It is significant that when Stryker (2006) explains that the editors' decision not to look at gender practices and identities from around the world meant excluding some important work, she refers directly to Prieur and Kulick, rather than authors who engage with Latin American scholarship. This brings to light the citational practice of the field.

In the seven years that separate the publication of the first and second transgender studies readers, the editors did a lot of work to incorporate perspectives from other parts of the world. In their introduction to the *Transgender Studies Reader 2*, Stryker and Aizura note that, "as the range of geographical locations and cultural experience covered by this collection illustrates, transgender studies is clearly no longer, if it ever really was, merely a concern of the North American Anglophone academy" (2013, p. 7). There are a few texts in this later collection that

were originally published in languages other than English and outside of the United States. This speaks to the genuine effort made by trans studies scholars. However, to fully resolve the issue, the field will have to incorporate new framings.

Scholars have pointed out three main sets of limits related to gender, sexuality, and the field's Anglo-American origins. Trans studies scholars have had a similar response to each. They admit that trans people must not be reduced to their gender but continue to frame their research through gender. They admit that various relationships exist between sexuality and gender but continue to frame their research through the same relationship between sexuality and gender. They admit they must include scholarly work from outside the Anglo-American context, but they retain the transness framing. In moving towards a policy encounters framing, I address some, but not all, of these issues. My position is that we should use a collective critical/reflexive exercise to create a multi-framing field. I will now take a closer look at trans studies' framing, its approach to knowledge, the images and stories it uses to produces a reality, its categories, and its logic.

Framing the Field

Points of view.

A first element regarding framing is how trans studies blends and produces knowledge. One prominent way of mixing knowledge in trans studies is problematic when it comes time to think about policy and politics. Butler's work is a useful entry point through which to describe this issue,[32] though she is not the only academic to work in this fashion, nor is she the most problematic. I start with Butler because she has influenced the approach of many others in the humanities and social sciences. Butler is one of the most widely read authors of trans studies. Her popularity also extends to feminist studies, and she is considered one of the founders of

[32] Some people wonder why I give so much attention to Butler and that perhaps I have unjustly targeted her work. Her symbolic position in the field, however, has meant that her influence goes beyond theory or content to the level of framing.

queer theory. When other disciplines incorporate these fields, she is a point of departure.[33] In my experience, she is often the only gender theorist that many academics know, making it easier to illustrate my argument using her work.

First, I identify the kinds of knowledge Butler uses. As seen in chapter one, the principal form of knowledge she engages with is philosophical texts. Here I remind readers of the most important points. The scholarly conversation she is having is not with philosophers in the academy but with philosophers in books, and through a philosophically inspired approach with feminists and the humanities. Her view of theory making is reflection based. But while Butler's principal canon is philosophical, she does not adopt the current philosophical discipline's rules of rigour.

Butler also calls upon personal experience. As she explains in a documentary about her life and work, some of her first theorising about gender was in relation to her family. She saw them as copying Hollywood gender norms (Arte, 2006). In *Undoing Gender*, she writes,

> Why drag? Well, there are biographical reasons, and you might as well know that in the United States the only way to describe me in my younger years was as a bar dyke who spent her days reading Hegel and her evenings, well, at the gay bar, which occasionally became a drag bar. And I had some relatives who were, as it were, in the life, and there was some important identification with those “boys.” So I was there, undergoing a cultural moment in the midst of a social and political struggle. But I also experienced in that moment a certain implicit theorizing of gender. (2004, p. 213)

Gender, as theorised by Butler, is a reflection as much based on texts as it is fuelled by immediate experience. Namaste has already pointed to the uneasy relationship in Butler's work between theory in terms of "reflection and abstract thought" and the "bits and pieces of empirical reality [which] are necessary conditions for [Butler's] theoretical ruminations" (2009, p. 22). Namaste's argument centres on Butler's partial analysis of the social and economic relations found in a drag bar. Here, I underline the danger of basing an entire theory of gender on one's own chance experiences and immediate surroundings.

These biographical details also show that gender is of great personal importance to Butler. In other words, she did not happen upon the need to study gender by spending time with

[33] My own introduction to her work was in a feminist political theory course.

trans people or in trans networks. In fact, “trans” came into her text through a link to gay culture, that is, drag at a bar frequented by bar dykes, and through an attempt on the part of the author to ease the tension between masculine women and feminism. It was only once the primary concern for gender had been established that Butler turned her attention to trans people. In *Gender Trouble* (2006[1990]), she examined drag; in *Bodies that Matter* (1993a), she considered transsexuals (through an examination of the film *Paris is Burning*); and in *Undoing Gender* (2004), Butler turned her attention to the idea of transgender more globally (see also See also Namaste, 2009, p. 22).

Not all scholarship that mentions trans people must start with trans people. But a project's point of departure is important to keep in mind, especially when this research has laid the groundwork for trans studies. Where Butler begins (points of view grounded in philosophy and personal experience) has implications for the theory that comes out of Butler's work as well as what she considers interesting and important (perspective). These priorities do not stem from the needs of trans people but, rather, from Butler's needs. Again, this is not necessarily an unsound starting point, and Butler never claimed to have started elsewhere. Her point of departure could even prove to be relevant to trans people, but I am interested in asking if this is indeed the case. At first, her starting point seems pertinent. The multitude of trans authors and activists who engage with her theory offer some proof of this. But trans people are a diverse group, and while perhaps many are inspired by Butler—just as numerous non-trans people are—this does not imply that her work can serve as the basis for an entire field on trans people. A careful intellectual will ask about those who do not engage with Butler's work. But most importantly, a reflexive intellectual will ask, what are the effects of starting from gender as a point of view on trans people?

If scholars in the field do not ask these questions, trans studies will simply continue on a positive feedback loop that is disconnected from the trans people and issues that do not centralise gender. This danger is particularly relevant in trans studies, as authors are not expected to go beyond their personal networks to frame research. Hayes, for instance, has noted that she is "acutely aware of the pitfalls of writing about trans people from a vantage point as a non-trans woman and someone who is not actively involved with extra-academic trans communities" (2003, p. 1096). However, although this awareness could valuably motivate her to act differently, it does not. Some authors do consult with trans people, but of a certain kind.

Girshick, a sociologist, wanted to study gender variance, which she conflates with trans people. She used recruitment flyers that started with, "Are you a gender transgressor?" (2008, p. 7). She defends this choice as follows:

> Because I framed the questions in terms of "gender transgression" those who responded were more likely to self-identify in this way. Clearly, individuals who do not identify with the label of "gender transgressor" were less likely to respond to this appeal. I chose the word, out of many others (including the word "transgender"), in consultation with some of my trans friends. After realizing that whatever label I chose would meet with resistance from some people, I had to make a decision. (2008, p. 7)[34]

There are points when researchers must make such decisions. Usually, we expect these choices to be based on rigour or sound consideration. Does it make sense to frame a project based on our friends? Could we as academics have certain kinds of friends? What does this mean for research, if in a field like trans studies, scholars are not expected to go beyond our networks to frame research? And what does it mean that when we are interested in gender, we can simply reflect on trans-genders? These questions point to a worrying trend. Authors are staying in their personal networks of trans people to then generalise through theory. In the previous section, I explained that Stone, one of the founders of trans studies, critiqued medical knowledge and brilliantly accused its practitioners of generalising the experiences of a few trans people. Trans studies risks falling into the same trap.

Discursive practices.

If a researcher spends enough time in trans studies networks—reading books and articles, and interacting at conferences and in academic exchanges—or if they peer in from other disciplines, it is possible to assimilate the field's reality. It is made up of cultural artefacts, events, names, and stories. They are images that make trans issues real to readers. Here is a non-exhaustive list:

- Michigan Womyn's Music Festival
- Olivia Records

[34] Girshick also explains that a couple people who responded did not agree with the framing.

- *Paris is Burning*
- Stonewall Riots
- Meat Market
- Christine Jorgensen
- The *Diagnostic and Statistical Manual of Mental Disorders* (DSM)
- Gender norms
- Tenderloin
- Trans Day of Remembrance
- Janice Raymond
- Drag
- *Silence of the Lambs*
- *Boys Don't Cry*
- David Reimer
- Kimberly Nixon
- *The Crying Game*
- Transsexual Menace
- Compton Riots
- Southern Comfort
- *The Well of Loneliness*

If you can recognise most of these items, then you have assimilated trans studies' reality. As trans studies inductees, we are accustomed to seeing these items, and others like them, used to exemplify trans issues: culture, community, politics, and violence. They become tools of reflection. Like drag, they are images that represent a reality. The trans studies canon has produced a social reality where the *Silence of the Lambs*, David Reimer, and Stonewall coexist. Why do scholars have to pay attention to trans studies' reality? Researchers coming into the field since this production of reality enter this pre-established social world and learn to see it as reality. And as many trans studies students are not linked to trans people outside academia, some know trans people and issues solely through these shared images. To various degrees, others build up their understanding of trans issues through them. It is not surprising that this stock knowledge shares many of the trans studies characteristics named above: white, American, anglophone, and so forth. This stock may not be the most appropriate reality with which to examine policy issues in Canada, nor may it be an appropriate reality with which to address the critiques of trans studies discussed above.

Categories.

I have argued the vast majority of the content in trans studies is directly related to gender because gender is not only a topic but also an analytical category. The difference between topic

and analytical category, and by extension content and framing, is a key part of understanding trans studies. On the one hand, gender is an overarching theme that unifies ideas through common content. Trans studies authors deal with gender: transgressive genders, the history of gender, and gendered aspects of life, society, politics, and culture. But, on the other hand, trans studies academics not only talk about gender but think through gender. An analytical category is an entry point into the world, a pivot around which to organise information, and a motor of thought. First, gender is an entry point to thinking about trans people, which is why academics talk about trans-genders in society, culture, and politics. It is also a pivot, helping trans studies scholars organise trans people by their genders. Indeed, gender is the primary way to understand diversity in trans populations and to distinguish trans and non-trans populations. Consider the following examples: butches and trans men; transsexuals and transgendered persons; women, men, and others; transgressive and normal. Finally, gender is a motor of thought. Trans studies scholars begin with gender and move towards feminist politics, sexuality, race, and class. Hayes (2003) starts from gender and moves towards feminist and trans activists; Halberstam (1998) follows gender through cultural productions; Feinberg (1996) moves from gender to gender in history. In the final section of this chapter, I will offer several examples relevant to policy.

Gender is by far the most prominent analytical category in trans studies. It is after all common sense to look at trans people through their gender. But it is not the only way to talk about trans people or trans-genders: Valentine (2007) introduces his book on the category of transgender by giving a spatial map of how transgender shifts from context to context. Namaste's (2005) work on the history of transsexual and *travesti* performance artists in Montréal is organised around the notion of labour. Both Valentine and Namaste discuss trans people, but they do not move solely through gender. In short, gender is a way to talk about trans people, but it is not the only way. This begs the question, what are the effects of a field that considers trans people almost exclusively through gender?

Gender is very important to many trans people such as Wilchins, Feinberg, and Halberstam. It is also important to many queers and feminists such as Butler, Elliot, and Hayes. The main strength of thinking through gender is that it highlights an important dimension of many trans people's lives as being worthy of notice, study, and action. But there is no one right way to view the world—no one truth. And, as with all ways of entering, organising, and moving thought, there are some limitations: a primary focus on gender risks eliding other important

elements. For this discussion, I will return to some of the critiques of trans studies explained above. What does it mean to use gender as a starting point and vector of movement when gender is meaningless to some trans people? When some trans people consider sex to be more important to who they are? If gender variance is not enough to make them feel as though they share something in common with transgender people? If gender is not all there is to their lives? Can these people, their experiences, and their voices, truly be included in the field if gender is its primary organising element? I will get back to these questions in relation to policy in the last section, but first, I want to examine one more element of trans studies' framing: its operating logic.

Operating logic and problematisation.

One of the objectives of trans studies is to be able to better understand the lives of trans people. In order to do this, the field has discerned a "problem." As discussed in chapter two, a problem representation is a way of making a reality intelligible while simultaneously problematising it (Bacchi 1999, 2009). Within trans studies, the most common problem representation is linked to transgression, as identified by Stone in her seminal text and subsequently becoming the most popular theme in trans studies. According to this logic, trans people are excluded, discriminated against, and violated in society, culture, and politics because they are trans.

The Transgender Day of Remembrance movement demonstrates how this problem representation unfolds. It is a yearly event held in multiple cities to commemorate the murder of trans people and is related to a list of murdered trans people named in *Remembering Our Dead* (Smith, 2000). The goal of this list is to bring attention to the fact that many trans people face violence, an issue towards which the media has been silent at best and aggravating at worst (Smith, 2000). The goal of the list and of the yearly event is to make intelligible these murders, to gather them so they are no longer isolated incidents, and to offer an explanation. The problem representation is transphobic violence. Following Bacchi's (1999) advice, problem representations merit further examination. To begin, I ask, what is left unproblematic?

In an interview with Namaste, Mirha-Soleil Ross draws our attention to some issues that are ignored. She explains,

> I invite people to take a minute to look at the website for the Transgender Day of Remembrance. You'll find four people from Toronto: Grayce Baxter, Shawn Keagan, Deanna Wilkinson, and Cassandra Do. They were all trans prostitutes who were murdered while working. According to the website, they were killed because of "anti-transgender hatred and prejudice." (in Ross & Namaste, 2011[2005], p. 124)

Ross goes on to explain that Grayce Baxter's murderer did not know that she was trans at the time and that his hatred was aimed at street people and prostitutes. The link between Cassandra Do being trans and her murder was never made. Ross further points out that the vast majority of people on the *Remembering Our Dead* list are trans women. Similarly, Lamble (2008) argues that *Remembering Our Dead* leads to the erasure of race, and specifically the high rate of violence against trans women of colour. Lamble argues that, in their efforts to show that the murders of these individuals were not isolated cases, the organisers of the list and event have ignored other injustices. The transphobic violence problem representation masks other possible causes of violence (racism, poverty, sexism, anti–sex work sentiment). It congeals people's identities in certain ways, centralising trans over racial identity, for example. It also assumes that violence is linked to identity. I ask that readers resist the urge to answer that gender must be accounted for in more complex ways, taking into consideration its intersections with identities such as race. I will explain why this is an unsuitable response in chapter five; for now I want to elaborate on the effects of using gender as the primary analytical tool of trans studies by showing how it limits a complete evaluation of policies. In other words, the next section begins to critique the realness of the transness reality.

The Effects of the Transness Framing: Perspective on Policy

Looking at the patterns in content about trans people and policy is a way of examining the perspective opened up by transness. Work that touches on public policy and trans people became more prominent in the late 1990s and early 2000s, as political scientists, sociologists, and legal scholars started to contribute to trans studies. A healthy expansion of this kind of work is currently underway, although it remains on the margins of trans studies. In this section, I will

consider not only the policy work done in this field, but also that which is done from within policy studies and legal studies. As a whole, this body of work follows the same characteristics as trans studies, even when it is directed at public policy or legal studies audiences. It centres on transness, focuses on gender, and uses gender as an analytical category. It also shares the same operating logic. Most of the work to date is centred on the United States, and although some examines the nexus of racialisation and transness, most of this work is about white trans people. Essentially, this body of work examines the relationship between transness, understood in terms of gender variance, and policies. Consequently, most of the work deals with gender-specific policies; some looks at gendered aspects of policies; and almost no work touches on policies far removed from gender.

The vast majority of this policy work discusses policies directed at trans people, what I will call trans-specific or gender-specific policies. The most common policies addressed are a) legal sex and name changes and related family law, b) rights and antidiscrimination policy, and c) access to trans-specific health care. Under the rubric of legal sex and name changes there is work that looks at legal sex changes and recognition (Currah & Moore, 2009; Hines, 2007, 2009; McGill & Kirkup, 2013; Namaste, 2000, 2005; Platero, 2011; Taylor, 2007; Taylor, Tadlock, & Poggione, 2013-2014; Whittle, 2002). There is also work that deals with the recognition of children and marriages (Flynn, 2006; Robson, 2006; Ross, Epstein, Goldfinger, & Yager, 2009; Sharpe, 2012; Taylor, 2007; Whittle, 2002). Under the rubric of rights and antidiscrimination there are studies of trans inclusion in human rights, disability, and employment protection laws (Bender-Baird, 2011; Broadus, 2006; Colvin, 2007; Levi & Klein, 2006; Rundall & Vecchietti, 2010; Vitulli, 2010). Not all work is favourable to rights. Mandlis (in Mandlis and Namaste, 2011), for example, argues human rights would be of little use for trans people trying to access health care. He nonetheless focuses on rights. Finally, authors examine access to trans-specific health care: hormones, surgeries, and so forth (Davy, 2010; Gehi & Arkles, 2007; Gorton, 2007; Namaste, 2005; Platero, 2011; Spade, 2011; Whittle, 2002).

The second order of policies studied relates to gendered aspects of policies. These issues are one degree of separation from gender. Authors look at the inclusion of trans people in gendered institutions: prisons (Arkles, 2008–2009; Brown & McDuffie, 2009; Etheridge, 2013–2014; Howell, 2009–2010; Mann, 2006; Maruri, 2011; Petersen, Stephans, Dickey & Lewis, 1996; Tarzwell 2006–2007; Whittle, 2002), shelters (Gottschalk, 2009; Namaste, 2000; Mottet &

Ohle, 2006; Yu 2010) and the military and police force (Elders, Brown, Coleman, Kolditz, & Steinman, 2014; Okros & Scott, 2015; Parco, Levy, & Spears, 2015; Yerk & Mitchell, 2013; Whittle, 2002). Authors also look at gendered aspects of strip-search policy (Kirkup, 2009), airport security policy (Currah & Mulqueen, 2011), immigration, including asylum and refugee policies (Bach, 2013), and domestic abuse policy (Goodmark, 2013).

The major difference between the first and second order is that the policies in the second are not primarily about gender. Legal sex designation is a part of civil status policies but stands on its own as a gendered policy. The policies in the second order are usually situated in a larger context. Prison policies that determine to which institution an individual will be sent based on gender (or, rather, sex) are part of a larger whole. But crucially, even when examining policies that are part of larger spheres, authors generally consider them solely for their gendered aspects. They examine the institution to which a trans person is sent and what trans health care they have access to once incarcerated. They do not examine minimum sentencing, the criminalisation of sex work, or parole policies.

The first order of gendered policy gets more attention and its ideas are developed in more detail than the second order for two reasons: First, because the discussion is limited to gendered aspects of the policy and the first order has more links to gender. Second, because the other order is often an afterthought, something authors come to when reflections on trans people and policy are further developed by moving from gender-specific policies to other policies.

An example to illustrate this unequal attention is found in Taylor's article "Transgender Identities and Public Policy in the United States" (2007). In the abstract, Taylor explains that her text will focus on "the intersection of public policy with transgender identity" (p. 833).[35] In the body of the article, the author addresses, in the order they appear, issues of vital statistics records, marriage, employment law, trans-specific health care, discriminatory policies in university, hate crimes, and prisons (where an individual is placed, and what access to trans-specific medical care they have once incarcerated). This article is a perfect example of how a framing focused on gender and transness affects policy work. For the most part, the author deals with gender-specific policies; to a lesser extent, she addresses gendered aspects of larger policies. The policies discussed get further from gender as the article progresses.

[35] In contrast, I examine the interaction between trans people's lives and policy in part two of this dissertation.

Rarely does work move beyond one degree of separation from gender. Interestingly, when it does, it is framed differently than the majority of work in trans studies. For example, Bassichis, Lee, and Spade (2011) examine trans people in prison, but their argument does not focus on the intersections of transness and prison. Rather, these authors centre their analysis on policies that lead to the imprisonment of trans people. Their argument rests on antipoverty and prison abolitionist frameworks and looks at how policies lead to the incarceration of impoverished trans people of colour. Work like this demonstrates the benefit of framing things differently—previously unexamined aspects of trans people's relationship to policy come to light.

The problem representation in Bassichis, Lee, and Spade is the prison industrial complex—but again, their work is an exception. Most scholarship on policy and trans people follows the same operating logic and problematisation as the rest of trans studies. Trans people's disadvantages are ultimately chalked up to their transness (read: gender variance) and transgression of norms. As such, the problem with the binary sex legal system is said to be that it does not account for other variance (e.g., Hines, 2009). People are prevented from changing their legal sex designation because their gender transgresses norms (e.g., Whittle, 2002). Human rights and antidiscrimination laws are positioned as solutions to transphobia (e.g., Levi & Klein, 2006). I will give even more examples throughout part two of this dissertation.

Going one step further, the dominant logic and problematisation of the transness framing creates an evaluative validity test. A policy is judged based on its ability to accommodate gender variance. I will use an example from each of the two orders of policies to illustrate this test. Hines (2009) examines the *Gender Recognition Act* in the UK, which is a gender-specific policy. Kirkup (2009) analyses strip-search policy in Peel, Ontario, but he only investigates its gendered aspects, that is, the process by which policy determine whether a man or a woman will strip-search a particular individual. It is a second order gendered policy. Both authors are critical of current policies' impact on trans people. Hines (2009) argues that the *Gender Recognition Act* is limited because it does not apply well to those who transgress the gender binary. Kirkup (2009) argues that policies allowing police officers the final say regarding who is transsexual, and thus whether men or women will search them, form a disciplinary power aimed at non-normative genders. They are both right to argue that policies that cannot account for people whose gender goes beyond society's understandings are harmful and should be reconsidered. But what if

transgression were not the only criterion? There may be value in questioning how the *Gender Recognition Act*, like many administrative processes, is both time consuming and expensive to navigate as well as only applicable to citizens (as opposed to those with no legal status). Similarly, it could be useful to ask broader questions about the role of strip-searches as security policy in Canada.

The framing of trans studies limits the policies discussed, what is said about them, and how they are evaluated. The rest of this dissertation will further this argument by demonstrating that a project centred on policy encounters can reach the dead zones of the transness framing. I will address, for example, the recognition of foreign diplomas, attempts to limit the number of Ontario Disability Support Program recipients eligible for a special diet allowance, and the funding of emergency shelters in Toronto. I will examine problem representations coming out of trans networks, interviews, and policies that point to poverty, racism, and administrative complexity. All of these issues become visible when the focus of research is shifted from where transness (gender transgression) meets policy to where trans people's lives intersect with policy. In the transness framing, the importance of each policy is determined by its proximity to gender. In contrast, a policy encounters framing examines the importance of policies according to the role they play in diverse trans people's lives. Although gender policy and gendered aspects of policy still play a central role, there is room for other priorities, and sometimes they even come before transness. For example, people who transitioned years ago may have not interacted with trans-specific policies in over a decade. Others experience a variety of urgent situations: a lack of beds at a shelter, a long waiting list for surgery to remove a hernia, the need for subsidised housing, citizenship application difficulties, and so forth (these are all examples from my interviews). My position is that trans issues are issues faced by trans people and that we must develop new framings to lessen the gap between trans studies and trans lives.

This chapter represents a critical/reflexive examination of trans studies. It started with framing analysis to get to know the field, its dominant points of view and perspective, through its framing devices: history, common sense, logics and problematisations, and discursive practices. This analysis suggested that trans studies cannot be understood without looking at its intellectual precursors. By doing so, one can appreciate the kind of energy that was focalised to open the

field. Butler's and Stone's work already contained the key elements of trans studies that were then crystallised in the field's formative years. Trans studies has the following characteristics:

- A focus on a particular relationship between queer theory and feminist studies that passes through transness
- Roots in networks of academics with an interest in the gender troubler / trans person
- Critical engagement with past knowledge that devalued and sensationalised trans people, especially transgressive trans people
- Value assigned to transgressive aspects of trans people's voices
- Transness as an object of study
- Gender as a primary analytical category
- Proposal that trans people face problems because they are trans
- Proposal that transgression is the solution to problems faced by trans people
- A perspective dominated by gender, relegating other experiences to dead zones

Once these characteristics were established, authors started to point out some of their limitations. They argued focusing on transness was problematic, questioned the interest of scholars in the gender troubler, identified the field's overreliance on transgression, and took aim at the Anglo-American and white biases of the field. Despite the influence of these critiques, trans studies scholars' attempts to redress them have failed because they have not managed to think differently. They may recognise that trans people may not be reduced to their genders, yet they still think through gender and transness. Doing things differently cannot be accomplished simply by recognising this limitation. It is not an issue of content but one of framing. Thus, to change the framing, scholars must do more than address the transsexual–transgender divide or add in cases from around the world. It will take an incredible amount of work to undo the limitations of this framing. It will require a collective project of critique/reflexivity, finding ways to move thought differently, looking at other problematisations, and challenging the social reality of trans studies.

For policy, the effect of the transness framing becomes clear upon zooming out from the individual works to the field itself: a cluster of work concentrated around gender that loses density as one moves away from this epicentre. Evaluations of policies repeat the same logic over and over: trans people face problems because they are trans. But trans people interact with

policies beyond those pertaining to gender. They come into contact with thousands of policies on a daily basis. The issues they face are not only about transgression. If trans studies scholars acknowledge that some trans people struggle with policies beyond those specific to transness or gender, then in order to mitigate some of these difficulties, the focus must change. Scholars must continue to pay attention to trans-specific policies and the inclusion of trans people in institutions, but perhaps we can look at these issues from a different angle and from new points of view.

Examining trans studies has uncovered some possible avenues for future research. Other forms of knowledge about trans people existed before trans studies and continue in parallel. Many of these, like cultural or feminist knowledges, tend to sensationalise and vilify trans people. By valuing trans people's voices, trans studies has offered an important counterweight with which to fight back. This being said, not all knowledge about trans people outside of trans studies is detrimental. Community knowledge that circulates in trans networks is helpful to trans people (e.g., Foerster, 2006). This form of knowledge is a reminder that there are other ways of knowing about trans people than that found in trans studies. Examining these ways carefully could encourage change in trans studies scholarship. Indeed, comparing how these various forms of knowledge frame trans issues, including the realities they produce, would be a powerful tool of critique.

A second avenue would be to reconsider the interest we intellectuals have in trans people. This chapter examined the academic interest that made trans studies possible. Feminist and sexuality authors are still the main consumers of this field. Their attention was first drawn to transness through their shared interest in gender transgression. Without this attention, the field would not have been possible, but this interest brings with it an invisible yet powerful pressure to remain focused on transgression. This works for some trans people and issues but not others. And after 20 years of this focus, numerous subjects have been systematically ignored, a fact that many have pointed out before. I hope, however, that trans studies has reached a point in its development where its scholars are ready to find other aspects of trans people's lives interesting. In other words, I hope the field is ready to re-examine the relationship between objectifier and object.

One key step to changing the way academics relate to objects in trans studies would be to put greater emphasis on the need to challenge one's perspective by seeking out new points of

view. Many academics currently contributing to trans studies do so without being linked to trans networks. This is a major barrier to change, as it creates a self-affirming loop. It also promotes an intellectual bias, from which academics only consider the trans people to whom they are connected in order to frame research. Researchers who are not ready to challenge their perspective by seeking out the trans people and experiences that go against their worldview should not contribute to trans studies. They should not publish about trans people. This imperative applies to both trans and non-trans authors.

This chapter opened by stating that a critique of the transness framing's monopoly is not the same as an attack on the people who see themselves in these terms. I am certainly not making the case that trans people who follow this framing are somehow dupes. To the contrary, this framing has been beneficial: It has resisted past knowledge that was detrimental to trans people, demonstrated that transgression is punished, and confirmed that trans people are often at a disadvantage. But the framing has its limits. It cannot on its own "solve" everything. Therefore, the monopoly it holds in trans studies is problematic. Trans studies scholars should work towards a field that houses multiple framings. This way, there would be space in the field for those who experience the world as gender troublers, but also for those with other kinds of experiences and priorities. In order to accomplish this shift, those who teach trans studies material need to teach students to consider whether the framing they choose is appropriate. And collectively, we must demand that trans studies scholars justify their framing choices.

This chapter has covered a lot of ground. It has evaluated trans studies by asking if its framing matches one of its primary objectives. Succinctly, can thinking through transness achieve critique anymore? I find that the field's critique of the gender binary has been repeated to such an extent that it has now become the "real" in need of critique. To find this answer, it was necessary to undertake a reflexive exercise by thoroughly examining trans studies, its approach to knowledge production, its analytical categories, its reality, and its problematisation. It was also necessary to examine how this framing came into being and what sustains it today. This reflexive analysis of the field started to lay the groundwork for critique, by reviewing past critiques of the field. These critiques challenged the reality produced by trans studies scholars' obsession with gender and transgression and called on scholars to find ways to include new points of view, experiences, logics, and priorities. Next, the chapter undertook its own critical exercise by examining the effects of the transness framing on understandings of policy. The

homogeneity of current scholarship on trans people and policy is indicative that important dead zones exist. That current scholarship is focused almost exclusively on gender-specific policies and gendered aspects of other policies begs the question: What other policies might be important? The field's one-track evaluative model based on transgression prompted me to look for what other valuable criteria may be missing. The next chapter will continue in this line of critique by searching for answers to these questions within trans networks.

Chapter Four – Trans Networks

The first three chapters reviewed critique and reflexivity, policy studies, and trans studies. This review required a lot of empirical work over the course of several years. I found and examined hundreds of texts written by scholars and interpreted their meaning. Readers might question whether the cited works are rigorous, but no one will wonder if these scholars lied. Yet, they most certainly could have. And while the accuracy of my interpretation will be evaluated, the ethics of this work will most likely pass unnoticed. Not so with this chapter. Here, I outline the empirical research done in trans networks in Montréal and Toronto. The reader will notice that I specify "empirical work outside of the university" or "empirical work in trans networks."

Empirical work in trans networks, like the work in previous chapters, makes use of an ethnographic sensibility as part of a critical/reflexive exercise examining points of view and perspectives. As was the case with policy studies and trans studies, the analytical focus in trans networks is on patterns of thought and action (framing analysis). And once again, the chapter moves towards policy encounters. One difference is that this chapter makes use of one of ethnography's key methods: participant observation. Participant observation in trans networks can help remediate some of the epistemological dead zones of trans studies. Ethnography produces a wealth of data, and if a researcher remains open to the field, they can find ways to construct objects of knowledge differently. I used this very strategy to work towards policy encounters. However, this is not ethnography in the full sense of the term. Moreover, it may reveal something about policy encounters, but it is not the ethnography of policy encounters. It is ethnography in search of an object of study. This being said, I believe policy ethnography centred on policy encounters would have merit, and I will give some indications as to what it might bring in the future.

The chapter explains how my approach and ethnography of policy encounters fit into current policy ethnography literature. Policy ethnography is a subgenre of political ethnographies. Like in anthropology, this method is used to get to know the perspectives of others. However, instead of being focused on social life, here it is a concern for political realities that drives

research. I situate this project at the meeting point between ethnography of policy and ethnography for policy, and I flesh out some advantages of this kind of work: It a) sheds new light on policy in the making, b) highlights the effects of policy, c) respects actors, and d) develops knowledge that could empower policy users.

I then hone in on how an ethnographic sensibility was used in trans networks and explain in more explicit terms what policy ethnography brings to my search for a new object. I review my methods and methodology in fieldwork by explaining how I entered the field, what kind of participation I engaged in, the observations I made, and the way in which I analysed data.

The chapter concludes by presenting results. I argue that an identity framing in trans networks, similar to the transness framing, prioritises political issues pertaining to civil status, human rights, as well as trans-specific social and health services. But a second framing, unlike that found in trans studies, prioritises issues such as poverty, immigration status, and criminalisation. This second framing, which I will refer to as a marginality framing, exposes experiences not accounted for in the transness framing. These experiences can be used to critique the realness of trans studies' real. Indeed, the existence of the marginality framing is further proof that trans studies needs new ways to think and act. My critical/reflexive methodology can help in this regard. The above work will set the stage for interviews centred on trans people's policy encounters, a topic I come back to in the next chapter.

Policy Ethnographies

I begin by explaining in general terms how my approach fits into policy ethnographies. Unlike traditional ethnography, which examines social life, my focus has been on policy and politics more generally. I wanted a first look at how trans people relate to policy: the role it has in their lives and the meaning it takes on. Schatz (2009) notes that political ethnography is at the margins of several of political sciences' subfields including policy studies. But although policy ethnographies remain at the margin of policy studies, their value has been more readily recognised by the argumentative turn's scholars. Yanow (2000) suggests that interpretive policy

analysts use ethnography to access data. The method fits well with the argumentative turn's concern for citizens' experiences and perspectives.

Dubois (forthcoming, 2016) distinguishes ethnography *about* and ethnography *for* policy, mimicking the distinction made in policy studies at large. Ethnographies about policy can look at policymakers and/or politicians. Here, I focus on studies that take a bottom-up approach. These studies examine implementation and street-level bureaucrats. Yanow (1995, 1996) makes use of this type of ethnography in her work on the Israel Corporation of Community Centres (ICCC). The creation of the ICCC was part of a policy initiative to create a network of community centres in poorer Israeli cities with the aim of promoting culture and social integration as well as providing a space for leisure activities. According to Yanow (2000), analysts should identify policy artefacts (e.g., material objects and acts) and tease out the various interpretive communities—what I would call frames—that relate to them. Yanow investigated the implementation of the ICCC policy by analysing how one centre's building came to have meaning for administrators and for various groups of community residents. She demonstrates that the community centre had many meanings, depending on the group that interpreted it (e.g., a sign of the city's inadequacy compared to Tel Aviv or of the city's progress towards Tel Aviv's standards). How various populations *read* the centre impacted whether or not they used the space.

Dubois's (2009, 2010) work is also ethnography about policy. He studies encounters between street-level bureaucrats and clients in French welfare bureaucracies. Unlike Yanow, who uncovers multiple meanings, Dubois uses policy ethnography to examine "the concrete practices through which a policy is enforced in everyday life" (2009, p. 222). He centres his analysis on street-level bureaucrats; he observed them in their encounters with the administered (clients) and complements this work with ethnographic interviews. Dubois makes use of Peterson's terminology "program encounter" and "bureaucratic contact" (see Dubois 2010, p. 11–12). It is this language as well as Dubois's work more generally, that inspired me to settle on the concept of policy encounters. While Dubois does not use this exact phrasing, he does observe policy encounters. He just does it from the perspective of government.

Ethnographies about policy offer insight into how policies are made, including their enactments. But while work that includes observations of community members (Yanow) or the administered (Dubois) are particularly relevant for my own project, they ultimately centre on the state side of policy. Because I consider policy users to be a part of policies' embodiments, my

analysis deviates from other work. For instance, I heard from several trans people, both during fieldwork and interviews, who had found creative ways to change the sex marker on their identity documents. One way that they had been successful in doing so had been to report their driver's license lost. When a replacement card was sent in the mail, they brought it in to the department of licences. They explained to the street-level bureaucrat that there had been a mistake and that the wrong sex marker had been inscribed on their new card. Believing that an error had been made, the bureaucrat changed the marker in the system and issued a new card.

Both Yanow's and Dubois's approaches would miss this scenario. Yanow's approach would uncover the various meanings that the identity documents have, but it would miss the significance of the scene described above. Specifically, this line of questioning would not draw the analyst's attention to the way this trans individual got a card coherent with the meaning the sex marker had to them: tricking a street-level bureaucrat into issuing a new card. An ethnography centred on the street-level bureaucrats, like Dubois's, would view this exchange as human error or alternatively as a street-level bureaucrat looking the other way. But a policy ethnography that is centred on trans people and that makes links between meaning and action can give a new kind of complementary insight. This process can illuminate the conditions under which trans people participate in decision-making. In the case above, it showcases how the conflict over the meaning of the card is played out. It is the trans person that ultimately dominates the exchange. The reader will remember that a public policy is what a government decides to do or not to do. But here the trans individual makes a policy decision in lieu of the government and its representative (the street-level bureaucrat). Nonetheless, the trans individual is left with a state-issued card attesting to their sex and/or gender. Such insight tells a great deal about policy such as the skills and strategies needed to navigate it. This approach can also offer insight for policy.

Ethnography for policy centres on finding knowledge to improve current policies and policymaking. In their review of the anthropology of public policy, Okongwu and Mencher identify six contributions ethnography can bring to policymaking:

> (*a*) documenting the conditions of the people we study, or other poor or disenfranchised people, and acting as their advocates . . . ; (*b*) analyzing, writing, and making public the effects of government policies and suggesting alternative policies . . .; (*c*) working with—or against—elected officials; (*d*) attempting to influence

> members of aid agencies . . . ; (*e*) working with migrant populations . . . ; and (*f*) studying strategies of resistance and how the work of anthropologists can inform and help indigenous people, such as homeless people in New York . . . or displaced Native Americans in Chiapas. (2000, p.108–109)

Many scholars who document the living conditions of people or the effects of policy are attempting to humanise marginalised populations, for example welfare recipients (e.g., Morgen & Maskovsky, 2003). This attention can show that policies deemed successful have negative impacts on people's lives. Newman's (2001) study of Harlem's low-income residents does just this. She documents the complex balance that families find between low-paying employment (including in informal markets) and social assistance benefits in order to survive. Reforms to any of the programs they rely on—with the intention of reducing the number of benefit recipients—jeopardise their households' ability to make ends meet. In such a context, a "successful" policy that reduces the number of recipients is in fact making things worse. Policy ethnographies like Newman's push for a different kind of policy reform. Stack "propose[s] that we configure our public policies around the social practices and everyday lives of people most deeply affected by these policies" (1997, p. 191). Policy analysts can "use ethnography to create social policies that respect the variety of human experiences" (p.191). To come back to my own vocabulary, policy ethnography can reach experiences that are doors to the world-as-is, and it can produce critiques of policy.

An interesting parallel can be made between Newman's study of Harlem families and the example I gave above about trans people and identity documents. Paradoxically, it will be harder for trans people to use creative ways of changing their documents now that trans issues have been receiving more attention from media and governments. In the past, trans people's strategies would work because the street-level bureaucrats had no reason to suspect that the "M" or "F" could be anything other than an administrative mistake. But the general population knows more about trans people than it did the past. One of the key issues that has been brought to the public's attention is civil status, in part because governments have been loosening the rules surrounding civil status changes.[36] But as chapter nine will show, many trans people still do not have access to

[36] Here are four news articles from 2012 that speak to this trend; three are from English national news sources and one is a French example taken from La Presse: a) "Legal sex change doesn't require surgery, tribunal says," CBC News, April 19, 2012; b) "Argentina passes law that allows people to change their gender more easily," National Post, Michael Warren, May 10, 2012; c) "Ontario allows transgender people to change birth certificate without

official status changes. And now, they will have more trouble finding other means to mitigate the effects of this lack of access. This kind of analysis has proved fruitful in both trans networks and my interviews.

Studying strategies of resistance is another interesting avenue within ethnographies *for* policy. Newman's work, for example, gives insight into the strategies people employ to survive their policy landscape in Harlem, New York. In chapter two, I reviewed Edin and Lein's (1997) work with single mothers including their strategies to survive welfare and low-wage work (social networks, multiple jobs, and navigating social services). Others such as Shdaimah, Stahl, and Schram (2009) take a slightly different approach. They partnered with the Women's Community Revitalization Project in Philadelphia. Blending policy ethnography with participatory research, they conducted a study on the state of the home-repair needs of low-income homeowners. They interviewed policymakers and homeowners to show how current aid policies were not only limited, but also structured and administered in a way that caused unnecessary problems. The findings could then be used to influence future policy. Those in need of home-repair policies were empowered through the project to create knowledge to change policy. Like the Newman study, my work will underline the strategies people take on to survive a difficult policy context. I want to use such work to empower people dealing with policies. But unlike Shdaimah, Stahl, and Schram, I do not engage in participatory research. I hope that by inventorying the skills and strategies people need to successfully manage imperfect policies, scholars can find ways of empowering people in future policy encounters.

While policy ethnography is hidden from mainstream policy studies, there are many examples, provided we examine anthropological work. Indeed, many of the examples above come from this field's publications. The argumentative turn has made progress in introducing more ethnographic work into policy studies. I hope to continue this trend with my own project, which I see as lying at the meeting point between ethnography about and for policy. The novelty of my approach, again, is to consider trans people as policy actors and to privilege their points of view and perspectives in the execution of research, without completely losing sight of government. This approach follows critical/reflexive principles in privileging new points of view to expand reality.

---

surgery," Globe and Mail, The Canadian Press, October 12, 2012; d) "Vers un troisième sexe sur les passeports canadiens?," La Presse, Hugo De Grandpré, May 7, 2012.

Not only can policy users' experiences be used to evaluate policy, considering them as policy actors draws attention to the skills they employ to manage the role of policy in their lives. In the driver's licence example above, my approach showcases how trans people can use strategy to get a new sex designation on their identity documents. By privileging policy users, I continue where Dubois leaves off. He observes policy users in action to better understand how street-level bureaucrats implement policy in practice. In contrast, my approach will examine how trans people affect policy. In general terms, my methodology will highlight aspects of policy users' relationship to policy that have in the past been ignored. This focus should lead to a better understanding of policy in the making, make the living conditions of policy visible, and develop knowledge that could empower policy users.

But while the focus outlined above can bring about a new kind of knowledge, it is not without its limitations. As will be seen later in this chapter and throughout part two, using policy users' points of view and perspectives to guide the development of research pushes the analyst to consider the multiple policy spheres with which trans people interact. Instead of starting in welfare offices, as Dubois did, or with a particular housing project, as Newman did, I started in trans networks (explained later in the methods section). The time invested immersing myself in trans networks and getting to know the various policy arenas central in trans people's lives came at the cost of not observing street-level bureaucrats, nor seeing many policy encounters first-hand. This shortfall will be especially visible in chapters six, seven, eight, and nine, where at times this missing link prevents a complete analysis. Indeed, it would have been hard to observe the government spaces linked to four separate policy areas in two cities. Luckily, there is a wealth of studies like the ones presented in this section that can help fill the gaps in my own work. Thanks to policy ethnographers and anthropologists, a lot is known about how street-level bureaucrats implement policy. Having situated my approach within policy ethnographies, I now turn to explaining what ethnography means in the context of my project.

Methods: Using Ethnography to Discern Framing Patterns in Trans Networks

Why use policy ethnography to examine trans people and policy?

While some of the advantages of political ethnography were reviewed above, it is of use to specify why this project in particular can benefit from this method. As is the case in anthropology, participant observation is considered to be the core component of political ethnography (Schatz, 2009). Political ethnographers immerse themselves in a social milieu. Following Jorgensen, the foundation of participant observation is spending time in the "here and now of everyday life situations" (1989, p. 13) in order to investigate insiders' or members' perspectives on meaning. Ethnography can be useful when researchers do not know a lot about a subject (Jorgensen, 1989). As chapter three showed, although there is work on trans people and policy, these studies only show elements of their lives directly related to transness. Ethnography is a method which produces large amounts of "micro-level evidence" (Schatz, 2009, p. 10). And since many authors have already shown that trans networks are places where a great deal of information is shared (e.g., Foerster, 2006; Namaste, 2005), participant observation is a good place to start in order to redress past lacunas.

If my analysis of gaps in trans studies literature is correct, then moving forward will not be achieved through an add-in method at the level of content. Luckily, ethnography can lead to "epistemological innovation" (Schatz, 2009, p.11). Proximity to people allows the researcher to see differently (Schatz, 2009). Ethnography can thus expand the "the realm of the 'political scientifically thinkable.' . . . But even more, ethnography is useful *when political scientists (wrongly) think that they already know the right kinds of questions to ask*" (Jourde, 2009, p. 203, emphasis in original). Ethnography's epistemological potential makes it a perfect fit with the needs of this project. It can shed light on dead zones. I should also note that the analysis presented in chapter three would not have been possible had I not immersed myself in trans networks, where I had the opportunity to start learning how to think differently than trans studies. For me, the most important epistemological innovation ethnography can offer is to present a reality that can only be made "real" with the help of a new object. Now that the *why* of policy ethnography has been explained, I turn to the *how*.

Critique, reflexivity, and ethnographic sensibility.

Although ethnography has great epistemological potential, it would do little good to simply enter the field and hope for the best. Many of the authors discussed in the trans studies chapter have attempted to do empirical work, including ethnography, without ever questioning the transness framing (e.g., Girshick, 2008; Halberstam, 1998; Hines, 2007). The *how* of methods matters. Once again, a critical/reflexive methodology will guide the way. Critique challenges the realness of the real in order to expand reality. Reflexivity examines the relationship between objectifier and object. Together they work with points of view and perspectives to make fields evolve.

I had not yet reached my object (policy encounters) when I started fieldwork in trans networks. In fact, doing fieldwork was part of my critical/reflexive strategy towards an object of study. At the time, I still had my original question in mind: What is the relationship between policy and the lives of trans people living in Montréal and Toronto? Already, the critical/reflexive work being accomplished in trans studies and policy studies had uncovered some important lessons. It indicated that the transness framing was limited in the content it could discuss and the evaluative tools it could use. My work in policy studies brought me to consider trans people as policy actors, but my work in trans studies taught me to attempt to go beyond the usual voices of trans studies and to incorporate points of view other than gender and transgression. In studying argumentative turn authors in policy studies, I had further learned to pay attention to what policies and problems mean to people. In consequence, entering this phase of research, I was looking for the kinds of policies that mattered to trans people, the meaning these policies could have, and importantly, the policy priorities that existed among trans people. Finally, from my work in trans studies, I knew the importance of challenging one's perspective. I thus knew that I had to break out of my academic understanding of trans issues, lest I get caught in an intellectual bias. For this reason, developing an ethnographic sensibility (though I did not have the word at the time) took on an even greater importance. An ethnographic sensibility forces a researcher to adapt their intellectual models, but only if they remain open to the field, its points of view, and its perspectives. To do so, they must have theoretical tools to operationalise their ethnographic sensibility. I use framing analysis.

I briefly explained what I mean by an ethnographic sensibility in chapter one. Now I return to this concept to explain how it fits into this stage of data collection. An "ethnography is a

sensibility that goes beyond face-to-face contact. It is an approach that cares—with the possible emotional engagement that implies—to glean the meanings that the people under study attribute to their social and political reality" (Schatz, 2009, p. 5, emphasis in original). This approach generalises the attitude of participant observation, as outlined by Jorgensen (1989), beyond the face-to-face interactions in the field.

The reader will remember from chapter one that for Pader (2006, p. 163), an ethnographic sensibility aims for a nuanced understanding of perspectives other than our own. It means exploring the ways people categorise the world and represent their worldviews as well as identifying the underlying patterns and structural principles. The second goal of an ethnographic sensibility, as explained by Pader, is to link actors' perspectives to policy opinions and priorities. Pader's explanation is tailored to policy work with a structural and practical focus. In the context of my own work, the first goal of an ethnographic sensibility is to understand trans people's perspectives in their social and political context. The theoretical tool I used was framing analysis.

Framing analysis can help answer how trans people interact with their policy landscape. Coming back to the example of a trans person attempting to change the sex marker on their documents through creative means, we must first ask what civil status means to them. They might tell us about categories like "M" and "F" but also about values such as respect, privacy, and recognition. They might employ logics that link categories and values. An improper "M" or "F" leads to a lack of respect from the people who address them based on their legal sex designation, a lack of privacy when they must explain the discrepancy between their appearance and documents, and a lack of recognition when their sex status is denied, despite such explanations. The framing devices trans actors employ help us understand how they come to have particular opinions on the policies (e.g., that it should be easier for them to change their legal sex) but also their priorities (e.g., identifying the extent to which civil status plays a role in their lives). As analysts, we are then in a position to understand trans people's actions, including having greater empathy for why they bend the rules.

Developing an ethnographic sensibility requires openness or, in other words, the willingness and ability to challenge one's perspective (including the perspective of a field of study). Consider what Newton has to say about her work with female impersonators: "Middle class culture seems to me to have built-in social blindness, compounded by arrogance. I was prepared to find the views of deviants interesting, but never seriously considered that they could

be correct" (1972, p. xvii). Newton's ethnographic sensibility allowed her to get past her assumptions. But openness is a skill that must be developed. Freidenberg explains openness in the context of her work on East Harlem residents' encounters with health policy:

> Throughout the process of collecting data, I tried to continue hearing the peoples' voices while thinking about policy issues. As different from other ways of categorizing reality, cultural voices can be better understood by a process of successive approximations, in which the researcher tests the validity of what "she believes she knows" with what "the population seems to know." Recently, some researchers have used the term "cultural sensitivity" to characterize strategies in research that attempt to capture an "inside perspective." (1995, p. 121)

In this quotation, Freidenberg identifies two key components of openness: First, it is ongoing, as opposed to solely taking place during the start of fieldwork. Second, it requires a constant comparison between what a researcher thinks is true and what participants think is true. This second component implies that researchers must suspend our assumption that our version is correct. In the same line of thought, Yanow suggests that analysts pay particular attention to moments during which there is a "difference between what the analyst expects to find and what she actually experiences in the policy or agency field. . . . The impulse, often, is to assume that the different way is 'wrong': 'They' don't know how to do things 'right'" (2000, p. 8). To overturn this impulse is easier said than done when one faces the lure of being the one who knows.

Pader (2006) offers an excellent example from Newman's work. Newman recounts the story of a low-income single mother who, despite having trouble finding enough money to buy necessities, spent money on an air conditioner and a Nintendo for her kids. Newman explains that people's reaction to hearing this story is generally to criticise the mother for being fiscally irresponsible or else to defend her right to have some luxuries. The mother herself explained it differently. During the hot summer months, when her children were out of school, keeping the apartment cool and giving the children something to do was the only way to keep them inside where it was safe. Knowing that her children would be safe allowed the woman to go to work. An ethnographic sensibility requires researchers to be open and seek out such explanations. The first question is not whether or not people were correct in their chosen course of action, but why they acted the way they did. So, whereas some intellectuals may feel the need to underline that trans people who trick street-level bureaucrats into changing their sex marker are committing an illegal

act, an intellectual with an ethnographic sensibility will be more interested in why it is important to trans people to have identity documents that are coherent with what "M" and "F" mean to them.

I would add that openness means actively seeking out new perspectives and must be incorporated into research design. In this project, I had the explicit intent of mapping out different views on trans issues and priorities. Therefore, I had to plan my fieldwork (my access and field construction) in a way that would make this diversity visible. I come back to this theme in the section on entering the field. But first, I use critique/reflexivity to conceptualise the trans field in a manner that will allow different framings to be observed.

Trans networks.

The first challenge to conducting a policy ethnography centred on trans people's perspectives has been to circumscribe the field of study, which is related to the difficulty of identifying a trans community. There are so many different ways of seeing "trans;" sharp debates take place in the milieu as to who is and is not part of this group. For instance, some trans people want no part in a trans community or adamantly resist the term transgender as an umbrella category. For others, a broad-based community for everybody with non-normative genders would be ideal. While some see a natural link between trans people and gays, lesbians, and bisexuals, others are confused by such a link. As I started to enter the field, I looked for a way to conceptualise the milieu without having to settle these differences. Indeed, a critical/reflexive project needs to map out these differences. One source of inspiration was Valentine's (2007) ethnography of the category of transgender in New York. He linked various meanings transgender has to the spaces in which this category is used (e.g., a charity ball attended by affluent gay men or the Meat Market where trans sex workers work). I went into the field with this space-meaning relationship in mind. Following preliminary observations, I came to see the milieu as trans networks.[37]

[37] I was inspired to visualise my project by Arheim's seminal work *Visual Thinking* (1969) and information visualisation work such as Lima's (2011), and Bertin's work on graphic semiology (2005[1967]). The networks referred to here are not those of Latour's action network theory nor policy studies' policy networks.

Different configurations of perspectives exist in different places, and events, debates, and political priorities change with them. For example, while doing fieldwork in Toronto, I was told that there were two different regular events on Monday evenings. The first is a weekly dinner and social event called Meal Trans, hosted by The 519. The second is a monthly movie night called the Trans-Film Screening-Series and is held on the University of Toronto campus. Both events cater to trans people and occur simultaneously; however, it is unlikely that anyone has had to make a choice between them.[38] Meal Trans is primarily attended by underhoused, HIV-positive, and disabled trans women, several of whom are also sex workers. In contrast, the movie night is attended by a younger crowd connected to the University of Toronto, including many trans men and queers. While there is not much overlap, these spaces are connected. Different events, perhaps surrounding Pride, parties, and activism might bring some regular participants of each group together. And so, despite the fact that Meal Trans and the Trans-Film Screening-Series are different spaces with different audiences, information might still make it from one to the other when participants meet in other venues.

There are also spaces with distinct perspectives but more overlap. In Montréal, the weekly evening events at Action santé travesti(e)s et transsexuel(le)s du Québec (ASTT(e)Q) and l'Aide aux trans du Québec (ATQ) are worth comparing. Each event includes a meeting where information can be shared among facilitators and participants. At the ATQ, weekly meetings are limited to trans people.[39] Participants need a reference attesting to their trans or questioning status in order to be accepted into the group. These meetings, which take place mostly in French, consist of a guided group discussion, although other informational events might sometimes occur in their place. Family and allies are often welcome to attend these alternative events. Most weeks, the facilitator identifies a discussion topic before the event takes place. Examples of topics include the evolution of sexuality throughout transition, relationships with family and friends, self-respect, and social pressures (see ATQ, 2015a). ASTT(e)Q's evenings, on the other hand, are open to anyone who identifies as "*travesti(e)s, transgenres, transsexuel(le)s et en questionnement*"[40] (ASTT(e)Q, group email list, January 7, 2013). The meeting is an occasion for

[38] Thank you to Morgan Page, who drew my attention to this.
[39] The closed nature of the group prevented me from attending the discussion groups. I did, however, speak with organisers and participants.
[40] I've kept the French version to underline the fact that "*travesti(e)s*" is included. This speaks to the francophone roots of trans networks in Montréal, but also to the presence of Latin American *travestis* women. In anglophone and queer contexts the word "transvestite" has come to have a negative connotation. "Cross-dresser" is considered by

nurse visits, clothing swaps, informational activities, and once a month, a community dinner. Community dinners are open to family and friends. The group caters to marginalised, migrant, underhoused, and HIV-positive trans people as well as trans sex workers. The group communicates in French, English, and Spanish. Discussions are less structured than at the ATQ, and the topics turn to whatever people bring up. For example, at the community dinner, participants might discuss finding housing, family, the refugee process, or police harassment.

Ultimately, it is not that one event is better than the other, as both offer essential services to their participants. Although there is some overlap in themes, there are distinct patterns. For example, migration status is more frequently brought up at ASTT(e)Q than the ATQ. Trans people, being different, have different needs, and can cope with different environments. Some participants of the ATQ weekly meeting would not feel comfortable at ASTT(e)Q's meeting, just as many members of the general population feel uncomfortable in the presence of low-income, criminalised, homeless, and otherwise marginalised people. The opposite is also true. As one interviewee explained,[41]

> I see the ATQ as Christine Jorgensen [one of the first public transsexuals]. Christine Jorgensen, she started to tell other transsexuals how they should behave, how they should be, and I find that the ATQ are a whole bunch of Christine Jorgensens: they all follow each other, they behave as the next one behaves. And ASTT(e)Q is more laid back: if you want to go out and get yourself a bottle of Jack Daniels you go right on ahead, and if you want to sit there and have your legs open, well you go right on ahead. You know? You are more free. More free to be yourself. At the ATQ meeting, I find everybody is trying to do what the one before them did, and I don't need to follow someone else. Sometimes I think that the ATQ also sees me a little bit like trash anyhow.

Ultimately, where someone feels free to be themselves depends on the individual. But despite the events being very different spaces, people more frequently go to both events than in the case of Meal Trans and the Trans-Film Screening-Series. Luckily for those in Montréal, the ATQ's discussion group and ASTT(e)Q's evenings are not on the same night.

---

many to be the politically correct term. The translation found in the email is "transvestites/cross dressers, transsexual, transgender, trans and who are questioning."

[41] Interviews are explained in greater detail in chapter five.

These sorts of observations pushed me to see the trans milieu as a network. People (nodes) come into contact in spaces like organisations, events, or online forums. There are pockets of denser relationships (surrounding major centres like the ATQ and ASTT(e)Q) that are more or less connected with one another. The image of a network helped me overcome the "community" debate. There is no need to give a working definition of "community" or "trans" or "transsexual" or "transgender." Moving from one pocket to another, the view of the network changes—other pockets are more or less connected or perhaps even invisible. For example, starting from the participants at ASTT(e)Q's weekly meeting or those at the ATQ would lead to two different pictures of the Montréal trans network. Being able to conceptualise these different views is useful for critical/reflexive work. Importantly, the goal of this preliminary stage of research was not to make a precise map but rather to create a mental image from which to begin to investigate the framings found in these networks. In a way, the notion of networks was one of my discursive practices (a way of making the real real).

In order to remain coherent with my critical/reflexive use of an ethnographic sensibility, I had to plan my access in a manner that would allow me to observe as many perspectives as possible. For example, I wanted to experience both the ATQ and ASTT(e)Q spaces and to compare the framing devices found in each, so that I could then identify various framings in trans networks.

Entering the field.

Entering the field was about finding sites of meaning. I focused on events, organisations, and people. I attended a couple Meal Trans evenings and ASTT(e)Q community suppers. I also participated in events like the *Journée de fierté trans* and the pride parade in Montréal. The *Journée de fierté trans* is a day when trans people get together to listen to a variety of presentations on topics of relevance for trans people. There are presentations from researchers, doctors, and peers. The event, which is organised by the ATQ, brings together a diversity of trans people that would otherwise not meet. In addition, I participated in political events such as a demonstration in support of the inclusion of gender identity in federal human rights legislation. On November 10, 2010, activists and allies gathered in Ottawa to show support for what was then

called Bill C-369. The demonstration attracted people from multiple cities, including Montréal and Toronto.

In addition to events, I got to know the following organisations and groups through their mandates and the services they offer: ATQ, ASTT(e)Q, PolitiQ, the Centre for Gender Advocacy, the *Conseil Québecois des gais et lesbiennes* (CQGL), The 519, the Prisoners' HIV/AIDS Support Action Network (PASAN), the Fred Victor Centre, and the Trans Lobby Group.[42] The nature of my involvement depended on the organisation. When possible, I would attend meetings of an administrative nature. Thus, I attended the general assemblies of the ATQ and The 519. In order to get to know PolitiQ, I participated in trans committee meetings. These were held in various spaces throughout Montréal: a university, cafés, and people's homes. I would also participate in informational events held by the organisations (when they were open to non-trans people). For example, I attended a presentation at the ATQ in April 2010, where Eric Landry from the *Agence de santé et des services sociaux de Montréal* came to explain new procedures for state-funded sex reassignment surgeries in Québec. Finally, as much as possible, I spent time in the organisations' spaces. For instance, I spent time in The 519's welcome centre as well as its restaurant-café in order to make observations.

The above organisations and groups produce various types of documentation that I analysed. The ATQ, ASTT(e)Q, and The 519 have all made informational documents for trans people and/or service providers (e.g., ATQ's *Lexique*, 2015; ASTT(e)Q's *Self-Referred,* Ezra, 2012*;* The 519's *Brazen: Trans women safer sex guide,* Page*,* n.d.). PolitiQ has produced political flyers and position papers (e.g., *Down with Sterile Civil Status Rules*, 2010). Other politically relevant documents include the CQGL's *Plan de revendications trans* (2012), the Centre for Gender Advocacy's *Condition* [sic] *trans au Québec: État des faits* (2013), and the Trans Lobby Group's *Revised Criteria: Change of Sex Designation on an Ontario Birth Registration Consultation Document* (2012). It should also be noted that the organisations have a virtual presence. They have websites that explain their history, mandate, and main activities. The ATQ, ASTT(e)Q, and The 519 all have email lists to inform members and allies about current events and announcements. Several groups also have a social media presence.

[42] They are sometimes referred to as the Trans Health Lobby Group.

My third entry point into trans networks was people. I had meetings[43] with leaders and community workers from the following groups: ATQ, ASTT(e)Q, Centre for Gender Advocacy, PolitiQ, The 519, and PASAN. I also met with community leaders involved in trans networks but who did not represent an organisation. In total, I talked with 11 key informants. These meetings focused on personal as well as organisational perspectives on policy and politics, and in particular on policy priorities. Focusing on people also meant using the networks as a way to keep in the loop about political initiatives on the part of individuals who were meeting with politicians, taking the government to court, working with government institutions, and/or giving workshops to street-level bureaucrats about trans issues.

As I moved around these networks, and especially once I had started to know various perspectives, I developed the habit of comparing how events, organisations, and people framed meaning. I would imagine, while in one space, how certain issues might be explained elsewhere. This proved a good way of noticing differences and learning to think through multiple framings. The exercise helped deepen my reflexive understanding of the relationship between objectifier and object, because I compared how different points of view led to different perspectives. This exercise also laid the groundwork for critique, as I compared the resulting realities. Of course, I did not access all framings.

The people in the field.

Networks do not capture all trans people, nor are they limited to trans people. Indeed, “a trans network” is not the same thing as a trans person's network. Many trans people are not connected; some pockets are less connected. One night, I attended a celebratory show at Taverne Rocky in Montréal for Chanelle, a performer that had been "in the business" for 50 years. There were a couple familiar faces, but for the most part the crowd was new to me. It had been a while since I had shown up for a trans-related event and not known a lot of the people attending. Several transsexual women who no longer spend time in trans networks came out for the event, which

[43] I have called these meetings to distinguish them from the interviews with trans people that will be discussed in chapter five. Most meetings were in person, but one was held over the phone.

was a sort of reunion. The experience was a good reminder that many trans people no longer publicly gather with other trans people.

Another point of import is that many people in trans networks are not trans. Some service providers, family members, friends, lovers, activists in overlapping movements, and researchers are also present. Furthermore, centres and events that bring together trans people are not always trans focused. For example in Toronto, PASAN caters to people who are, or have been, incarcerated. Since its beginnings in 1991, it has allowed trans people, incarcerated or not, to participate. As such, it has included trans people longer than The 519 has (see introduction for more on the beginning of trans programming at The 519). Organisations geared towards sex workers, Stella in Montréal or Maggie's in Toronto, have trans outreach workers, and trans people participate in their events. Trans networks link organisations both geared towards trans people and frequented by trans people.

Limits.

The trans networks being studied are not only limited by who is present or absent, but also by the researcher who traces them. I am fully aware that I was constructing the networks as much as I was discovering them. Atkinson explains this well:

> The field is produced (not discovered) through the social transactions engaged in by the ethnographer. The boundaries of the field are not "given." They are the outcome of what the ethnographer may encompass in his or her gaze; what he or she may negotiate with hosts and informants; and what the ethnographer omits and overlooks as much as what the ethnographer *writes*. (as cited in Emmerson, Fretz, & Shaw, 2001, p. 354, emphasis in original)

As much as possible, I let critique and reflexivity guide my engagement and gaze. For instance, I privileged spaces that contained points of view and perspectives not found in trans studies. Thus, I prioritised Meal Trans over the Trans-Film Screening-Series. But I am cognisant that there were many limits to my moving in trans networks. First, my time was much more constrained in Toronto than in Montréal. I had a few trips to Toronto lasting no longer than a week, as well as a two-month stay to collect data. In contrast, because I was living in Montréal, I was able to follow

groups for about three years. Because of my limited time in Toronto, I never fully connected with some organisations such as the Trans Lobby Group or the Trans-Film Screening-Series, and I had limited contact with others such as the Fred Victor Centre. It was challenging to build relationships in so short a time span. Second, in both Montréal and Toronto, I did not spend time in bars or at parties. I made this choice in order to better focus my attention on organisations. Third, I did not enter trans-only spaces, for the obvious reason that I am not trans.[44] Fourth, time constraints prevented me from accessing people who were not fully connected to networks. As the Taverne Rocky example above showed, this omission implies that I missed a lot of people. For all of these reasons combined, some pockets were not covered with the same depth as others.

These constraints are the result of limited time and resources but also the project's needs. My objective was never to draw out a complete network. Such work would no doubt be of interest, but it would require time and resources that could not be justified for this project. In my preliminary work, I aimed to get an initial look at policy opinions and diversity. Interviews remain the core of data collection with trans people. Despite these limits, I did succeed in reaching a large enough segment of trans network to see framing patterns emerge. The next section explains how I used fieldnotes to work towards these conclusions.

Fieldnotes: Producing data for frame analysis.

The next component of methodology to consider is the kinds of records that I kept of my observations. In some situations, I had to make mental notes.[45] At community dinners or during political events, it was either not feasible or inappropriate to take notes. But it was possible to take jottings in the majority of spaces that I observed. These jottings were key, because I found that the exact wording and categories used as well as the order in which political priorities were discussed in these spaces were highly significant. The fact that I did not have to rely on my memory for such details adds to the strength of the analysis's conclusions. This being said, I did

[44] With a few notable exceptions, thanks to the help of community leaders.
[45] The distinction between mental notes, jotting, and fieldnotes proper is taken from Emmerson, Fretz, & Shaw (2011[1995]).

convert jotting into fieldnotes proper after events and meetings with key informants. This process allowed me to include more detail as well as preliminary analysis and methodological reflections.

Writing fieldnotes requires that researchers make choices about what is worth recording. Emmerson, Fretz, and Shaw write that

> descriptive fieldnotes . . . involve *inscriptions* of social life and social discourse. Such inscriptions inevitably *reduce* the welter and confusion of the social world to written words that can be reviewed, studied, and thought about time and time again. . . . this transformation involves inevitably processes of *selection*; the ethnographer writes about certain things and thereby necessarily "leaves out" others. But more significantly, descriptive fieldnotes also inevitably *present* or *frame* events in particular ways. (2011[1995], p.12–13, emphasis in original)

I needed to frame my notes (reduce and select) in a way that would make framings visible. I described events and activities in general terms but my fieldnotes focused on argumentation. By this, I mean that my fieldnotes related to framing devices, or what I thought could be framing devices. Admittedly the categorisation I have presented in this dissertation (history, common sense, categories, logics, and discursive practices) is much neater than that found in my fieldnotes. I did, however, note how identity categories circulated in various contexts, the priorities that came up, the logics people used to explain their perspective, how people justified their worldviews, how they talked about other perspectives, and moments of miscommunication across symbols. Comparative analysis was key to these observations and the analysis that followed. Two examples will help illustrate the process of recording and analysing data. Each represents a moment in this process. The first shows the sort of observations that I made. The second is an analysis sample. Together, they give the reader an idea of the methodology that allowed me to discern and describe two framings in trans networks, which are presented in the final section of this chapter.

The first example is a scene I witnessed at a meeting to plan an event for the International Day of Action for Trans Depathologization. A member of PolitiQ argued that “transgender” included transsexuals. In response, a member of the ATQ replied that she was transsexual but not transgender. The PolitiQ member continued to explain that transgender was an umbrella term, and so one could be both transgender and transsexual. The ATQ member resisted this categorisation, noting that for her, transgender was associated with people who did not consider

themselves to be women. In this scene, there were notably different uses of transgender as an identity category. Because of this, the two interlocutors communicated past each other, without being able to resolve the issue of "transgender."

Valentine observed a similar scene during his fieldwork in New York (2007, p. 125–128). In his case, it revolved around the distinction between gay and transgender, specifically if one could describe oneself as both gay (implied male) and a transsexual woman (for some this implied transgender). It was a significant interaction for Valentine's work on the emergence and popularisation of the category of transgender because it exemplified different views on the relationship between sexuality and gender. For me, these sorts of exchanges are of import because they have the potential to reveal a great deal about each interlocutor's political priorities for trans, transgender, or transsexual people.

The second example shows how observations about moments like the one above are building blocks for an analysis that fleshes out a system of meaning and that places this system in relation to political priorities. The analysis for this example is based on fieldwork, but I have included a few interview quotations and news articles to help demonstrate my argument. A major point of contention during my fieldwork was the requirements for changing one's civil status. I will explain the related policies in Québec and Ontario in chapter nine, but for now my interest is solely in debates over what the policies should be.

The most explosive question was whether or not a trans person should be required to have sex reassignment surgery to change their legal sex designation. People in trans networks often explained this cleavage as a generational gap. Younger trans people, especially those linked to queer politics, favoured more relaxed criteria and argued that surgery should not be required. They felt that personal autonomy was a high priority and that state intervention in deciding who gets to be what sex or gender should be limited. They further contended that forcing trans people to have sex reassignment surgery was a form of forced sterilisation. Some older transsexuals believed that a transsexual is defined by their desire to have sex reassignment surgery. They were attached to a particular view of what it means to be a woman or a man. On several occasions, I heard younger queer trans people describe the older generation as being jealous that the younger generation would have easier access to trans-specific health care and more freedom to choose whether or not they wanted surgeries. While the generational gap explanation has appeal, an

ethnographic sensibility leads us to the conclusion that there is more going on. In fact, there were several positions on surgeries and legal sex. Below, I address three.

The *youth* perspective has a lot in common with trans studies and queer theory. First, it holds that gender and sex are distinct analytical categories (which are nonetheless ontologically linked). It follows that various combinations of gender and sex are possible, and that physical appearance and gender identity must be considered separately. Gender, however, has precedence in this thinking pattern. Like in trans studies, the gender binary is considered to be in and of itself a source of oppression. It establishes normative gender, which among other things assumes that sex and gender must be congruent and that only two options exist: "M"-male-masculine and "F"-female-feminine. I should note that "normative" has a negative connotation in this perspective. Trans people transgress normative gender, and for this reason they face discrimination. Within this perspective, identity documents that divide people into "M" and "F" are the source of many problems. It is argued that such a categorisation reinforces the gender binary. If sex reassignment surgery is required to change one's legal sex, then civil status policies also reinforce a normative link between sex and gender.

The following is taken from a Montréal activist's blog. At the time, he was taking the Québec government to court:

> I am now going to court to challenge the constitutionality of the Civil Code article that dictates what conditions must be met to access a change of sex. While this legislation makes no difference to the Registrar of Civil Status, it hurts untold numbers of transsexual and transgendered Quebec citizens, forcing us to live as second class citizens and exposing us to great discrimination and violence. This legislation that makes surgical sterilization mandatory (it doesn't take into account that some transsexual and transgendered [sic] do not wish, or are not able to undergo such surgeries) in order for us to be granted basic rights is literally a policy of eugenics – this is not hyperbole – and has no place in a province that values freedom and equality. (Dean, *Elias Dean Challenge*, 2011, paragraph 3)

Here, Dean explains that the state should not intervene in deciding people's sex designation and that the current law (requiring sex reassignment surgery) leads to violence and discrimination. He challenges the link between sex and gender and the notion that all trans people want surgeries. However, sex and gender remain linked. They are enumerated side by side "transsexual and

transgendered." The author further argues that the current policy limits the autonomy of trans individuals, because it forces them to undergo sterilisation in order to access an appropriate civil status.

Below is a quotation from Queer Ontario, a queer network in Ontario that was invited to a ServiceOntario consultation on minors and legal sex designation. Queer Ontario summarises part of the argument they presented to the government agency as follows:

> We challenged not only the government's need to record an individual's sex at birth (or any point afterwards) instead of, say, an individual's gender once they are conscious enough to make such a decision (although the need to record this was also contested). We also challenged the government's insistence on individuals identifying as either "Male" or "Female" at the exclusion of other sexed possibilities, as well as its insistence that individuals be unmoving in their identifications. Indeed, this excludes an entire plethora of individuals, not only those who are intersex/intersexualized either at birth or otherwise; but also those who are gender-queer, gender-neutral, sex-queer, sex-neutral, bi-gendered, multi-gendered, gender-fluid, Two-Spirited, cross-dressing, non-gender-identified, non-sex-identified, etc. (November 14, 2014)

In this quotation, Queer Ontario explains that it challenges the notion that the legal sex designation should refer to sex instead of gender. The organisation also opposes limiting the legal sex designation choice to male and female. But again, gender and sex are presented as being connected, as the list of possible sex and gender identities shows (e.g., gender-queer and sex-queer). The two above citations are examples of the youth perspective, which is prevalent in queer and LGBT spaces (but which is also adopted to various degrees by many outside of these spaces).

The youth perspective problematises civil status in a manner that allows three principal solutions. From this position, it can be argued that at a minimum, people should be free to change their legal sex designation without surgery, preferably at will. This is evident in both quotations above. This first solution would align civil status with gender identity instead of sex. It would lessen the rigidity of the gender binary expressed in the civil status policy, by removing some of its normative (read: negative) elements. First, it would disrupt the common-sense notion that sex must be coherent with gender. Second, it would increase the possibility for fluidity between

genders. The Queer Ontario quotation speaks to both of these points. But this first solution does not recognise sexes or genders other than "M" and "F," meaning that it has limited effect on the gender binary. Thus, this solution is argued to be imperfect by many of those who think through these framing devices.

A second potential solution is to add a third gender option. Again we see this in the Queer Ontario quotation. During my fieldwork, news that the Australian government was going to recognise a third gender option on identity documents, "X," had some people in trans networks excited (see Commonwealth of Australia, *Australian Government Guidelines on the Recognition of Sex and Gender*, 2013). Proponents of the youth perspective would have liked to see a similar option in Ontario and Québec. A third gender option would be an official recognition that two genders cannot account for everyone. But again, from the youth perspective, this solution has limits: First, because the gender binary is in and of itself normative, adding gender markers is an imperfect solution. Second, according to this perspective, no amount of gender choices will ever encapsulate the infinite number of gender potentials. One need only reread the Queer Ontario quotation to appreciate the proliferations of genders and sexes. Third, it is argued that having a third gender option on documents like passports could also lead to heightened scrutiny while travelling. Reducing the normative barriers of identity documents does not guarantee that authorities will not enforce gender norms.

This is the argument made by Susan Gapka, chair of Trans Lobby Group. While she has made this sort of statement on several occasions, I have chosen to quote a *Daily Extra* article, dated after the end of my fieldwork, because it is the clearest verbatim available. I chose this quotation because she was speaking in her capacity as chair of the group. This link will help me make a comparison later on. The article reads,

> Susan Gapka, chair of the Trans Lobby Group, . . . takes a critical look at sex designations that can “out” trans and intersex people.
>
> "Having male or female on passports or any piece of identification is kind of becoming outdated,” Gapka says. “Because we have photo ID, we have a lot of ways to detect the person’s authenticity . . . so you really don’t need to list the gender on a passport.”
>
> Still, Gapka believes that, for as long as there is such a requirement, a neutral option should be available for those who want it. Ultimately though, she advocates

> for the abolition of sex designations, stating “there is no reason to have a sex designation on identity documents.” (Vandrish, "Integrity of passport issuance process must be preserved: spokesperson," October 4, 2014)

Gapka's argumentation favours removing all gender markers from identification documents. She contends that they are not necessary. Time and time again during fieldwork, I heard people in trans networks say that removing the markers altogether was the ultimate solution. Here is an example taken from a position paper published by PolitiQ:

> *PolitiQ revendique la facilitation des changements de mention de sexe (idéalement la suppression des mentions de sexe) dans les registres du Directeur de l’état civil, de même que dans les différentes institutions existantes, qui n’obligerait plus les personnes trans à prendre des hormones, effectuer des opérations ou encore être diagnostiquées avec un problème de « l’identité sexuelle » pour faire changer leur mention de sexe.* (Charte et revendications de PolitiQ-queers solidaires Axe transidentités, 2009)

One of the interesting aspects of both PolitiQ and Gapka's comments is that although the ultimate solution is the removal of gender markers, other options are presented as well. Indeed, the three solutions that derived from the youth perspective are presented on a sort of continuum that parallels the degree of transgression: from moving between binary categories, to adding new categories, to removing categories altogether. People knew removing the markers would be a hard sell. They were thus willing to compromise in the short term, while working towards their objective.

There is a second position which could be called conciliatory because it brings together people from different views and is palatable to governments and the public. But this position is also held by some individuals and groups as their ultimate solution. Whereas the previous perspective favoured gender over sex (i.e., gender replacing sex on identity documents), here ambiguity allows for conciliation. I will begin by explaining the position of those who favour this solution. There are some transsexuals who believe that the sex marker refers to sex and not to gender. Some would prefer that the government control to a certain extent who has access to legal sex changes. They argue that while a change should be allowed without surgeries, there should be some requirements such as a letter from a health professional attesting to the person's trans status. The ATQ holds a similar view, which I will return to in the last section. I call this position

conciliatory because people and organisations from other perspectives are willing to join it. Both the Trans Lobby Group and PolitiQ have adopted it for strategic reasons. The Trans Lobby Group submitted a consultation document to ServiceOntario. The document answered questions asked by ServiceOntario during the redesign process of legal sex policy in Ontario following the Human Rights tribunal decision for *XY v Ontario (Government and Consumer Services)*, discussed in chapter nine. Here is ServiceOntario's question, followed by the Trans Lobby Group's suggestion (in order to be concise, I've omitted a segment of the text in which they justify their suggestions):

> Q1. In the Tribunal's decision, the requirement for transsexual surgery in order to change the sex designation on an Ontario birth registration was found to be discriminatory. What should be the criteria required to change a person's sex designation on a birth registration so that it accords with the person's gender identity?
>
> . . . . Listed below are possible suggestions:
>
> (a) Application from individual should include a letter from medical practitioner, psychiatrist, or person that is legally qualified and licensed in Canada such as a doctor, psychologist, social worker, nurse, school or college or university official, therapist, employer, faith community or other certified or licensed person stating that a change in sex designation on birth registration is necessary to match the applicant's gender identity.
>
> (b) Evidence satisfactory to the Registrar General as to the identity of the applicant.
>
> The Trans Lobby Group also recommends that the amending criterion be no different from name change criterion for the general public as a standard which protects trans people against differential treatment with the potential to leading to harassment and discrimination. (2012, p. 2–3)

In order to put pressure on the Québec government, PolitiQ co-organised a demonstration about civil status. They produced a list of demands, including

> access to legal change of sex designation without compulsory medical treatments (operations or hormone therapy), based on the recommendation of a professional (a list of professionals can be drawn up in consultation with the concerned communities), following the example of Spain and the United Kingdom. (Pamphlet on record with the author)

This list of demands had over a hundred signatories including trans organisations, community organisations, unions, university and Cégep groups, university professors, and public personalities such as journalists and politicians. Not only was this solution agreeable to signatories, but it resembles the solution adopted by many governments (see chapter nine). But not everyone would agree with this conciliatory position.

One night at an ATQ meeting (March 1, 2012), the lawyer and legal scholar Jean-Sébastien Sauvé gave a presentation, *Le sexe en droit,* that was an examination of the role of sex in Québec law. It attracted quite a crowd of diverse trans people. There was a question and answer period after the presentation that turned into a discussion about sex reassignment surgery and transsexuality. A transsexual woman explained that she did not want sex reassignment surgery. Another transsexual woman in the crowd shrugged her shoulder and lifted her forearms as she turned to her companions on either side and said: "*Eh bien cela veut dire que ce n'est pas une transsexuelle.*" This woman was part of the third perspective, the "older" perspective—this position is not held by all aging transsexuals.

I did not often hear this perspective during fieldwork, and when I did it was held by francophones in Montréal. A few precisions are necessary. First, it could very well be that I did not come across this position in Toronto because I spent less time in social spaces there. Second, although I did not hear their perspective often, I think this had to do with the limits of the networks I studied. For example, what might the people at Taverne Rocky think? Finally, one interviewee told me that she felt that her political positions were not welcomed in trans organising spaces. She had hesitated to participate in my project for this reason. Not having had more contact with this perspective is one of my regrets. A critical/reflexive methodology prioritises points of view that are absent from the current dominant reality. And the openness of an ethnographic sensibility requires that one further examine perspectives that could have easily been written off as wrong. Each time I investigated the older perspective, I found that the speaker was much more open and progressive than was believed by the youth. A closer examination of their position helps to explain why.

In this perspective, the "M" and "F" are a question of physical sex and cannot be changed unless the physical sex is changed. One interviewee explained that it is a linguistic reality. She explained that while some people think that "M" and "F" mean masculine and feminine, in French, the "M" and "F" refer to male and female sexual organs. She concluded: "*C'est plate*

mais, c'est comme ça." Another interviewee described it as a matter of coherence. The marker is first assigned at birth based on the presence of a penis or vulva. It would be incoherent to later change it based on another criteria. Interestingly, the two interviewees recognised the difficulties of transgender and genderqueer people. One even identified transgender issues as a top priority.

Although they were firm in their belief that one should not be able to change the letter appearing on official documents without surgery, their preferred solution was to remove the "F" or "M" entirely from identification documents. Such a position would appear as contradictory logic to anyone thinking through a youth perspective or transness framing. To be in favour of the ultimate and most radical solution but against the lesser conciliatory version is incoherent. But this position makes perfect sense to the women who held it: The legal sex designation is based on a physical attribute, but its presence on identity cards causes problems for a lot of people, so let us get rid of it entirely.

Unlike the youth perspective that is willing to "compromise," these two women were not. From the youth perspective, the conciliatory position is moving towards their framing (one step towards removing gender categories). But for these women, it was a move away from their worldview (from sex to gender on identity documents). For them, removing the marker altogether is the concession. In a way, these women are more radical than the queers. Contrary to all expectations, their proposed solution is more open to diversity. It takes into consideration the needs of people who see civil status as sex, gender, or any combination thereof.

I am not suggesting that the woman, who claimed that a transsexual woman who does not want sex reassignment surgeries is not transsexual, was right to say what she said. Indeed, I was troubled by her claim. Just like accusations from youth that older transsexuals are jealous seemed unkind to me. Nor do I think I know better than any of them what "M" and "F" should mean. But an ethnographic sensibility requires an attempt to understand people on their own terms. So although some would see the older transsexual women as essentialists on the wrong side of the generational gap, I observed that "M" and "F" can mean different things: sex or gender. And the meaning of sex, gender, as well as the relationship between the two differs. Everyone is in agreement that the current civil status policies cause problems; but the potential solutions from which one can work are not the same between these perspectives. Finally, these variations in meaning (categories and logics) make it difficult for people to dialogue. The "older" trans people come off as backwards and incoherent, even when they believe the priority is transgender youth.

The "younger" trans people come off as insensitive to the worldview of others. Indeed, I would argue that they are epistemological isolationists.

The three positions above follow different framing patterns, bring categories into relation in particular ways, and suggest different solutions for civil status. To be able to fully grasp how they compare, one needs the openness of an ethnographic sensibility as well as the theoretical tools (framing analysis) to make perspectives visible. With that said, the above positions also share a great deal in common: they are all about civil status. In the next section, I turn to a more profound difference in framing by comparing the transness framing and the marginality framing in trans networks.

Results: Framing Political Priorities in Trans Networks

In the previous sections, I first explained what kinds of fieldnotes I kept. I then gave an example of a situation in which I observed a miscommunication over the category of "transgender" within a political planning meeting. Third, I showed how one can build off of such observations to make visible the structure of an issue (civil status), highlighting how problematisations offer different kinds of solutions and how these solutions can clash with each other. By repeating the above analysis in different contexts and with different political priorities, one can eventually discern framing patterns present in trans networks. Through framing analysis, I ended up identifying two principal framings of trans issues, both present in Montréal and Toronto trans networks: the transness framing and the marginality framing.

It is useful here to remind readers of a few features of framing. Having two framing patterns is not the exact equivalent of saying that there are two perspectives, opinions, or stances. It is in fact each framing that sets the parameter for several positions. If there are two framings, then there are two conversations, each making use of symbols in its own way. These conversations can coexist, not without tension, in one space, event, or individual's way of thinking. They are nonetheless distinct because they refer to different kinds of problematisations and imply different kinds of solutions (priorities). Thus, even if framings coexist, when it comes time to answer the question "what are your political priorities?" one will tend to dominate in a

given organisation, event, or individual's speech. These framings exist in shifting policy contexts, as the following chapters will show. Regardless, each framing offers a certain set of possible priorities as it problematises certain aspects of trans people's lives.

A variant of the transness framing.

The first framing is similar to the one that dominates in trans studies—although it is not embodied in quite the same way. It is through a version of the notion of transness (gender transgression), which generally remains implicit, that issues are problematised. In practical terms, various problems that arise from the relationship of transness to society become intelligible. The two principal dimensions are the following: i) society is unaccepting of transness (and therefore transphobic), and ii) the specific needs of trans people are not met (due to non-trans people being considered the norm). Generally, this framing's dominance is evidenced when debates and discussions on political priorities centre on issues closely related to transness, gender, and sexuality. At times, these priorities are the only ones that are mentioned; otherwise, they are systematically enumerated first and with more detail than others. The principal themes that come out of the transness framing in Toronto and Montréal are civil status, access to surgeries and other trans-specific health care, gender inclusion in human rights legislation, and education of social service providers on trans issues. To illustrate, I will use three examples from Montréal and one from Toronto.

The first is a conversation I had with a representative of the ATQ, one of the oldest trans-focused organisations in Canada, and even the world. It began as a phone line 30 years ago and, to this day, it gears the majority of its energy towards helping trans people. It also does some advocacy work, at times working with government or helping to organise demonstrations. Its motto is "*Ensemble pour renseigner la population trans et non trans à propos de la transidentité afin de pouvoir combattre ensemble les préjugés qui l'entourent et ainsi faire avancer les choses socialement*." When I asked about priorities for trans people, the ATQ representative noted the following three (listed in the order they were introduced):

- Inclusion of gender identity and expression in human rights codes

- Allowing legal sex changes without surgeries—suggesting a procedure much like name change in Québec (see chapter nine for more details)
- Sensitisation of psychiatrists, psychologists, doctors, and other professionals

These demands resonate with the priorities from the second example below.

The second example is from the *Comité trans* (trans committee) of the CQGL. Over the course of my fieldwork, the CQGL made an effort to advocate for trans people by using their experience in gay and lesbian politics in Québec. The CQGL trans committee attempted to bring together the voices of different trans organisations to represent trans persons vis-à-vis government. In the spring of 2012, it produced a document enumerating the various concerns of trans people in the province of Québec—most member organisations were Montréal-based (Comité trans du CQGL, 2012). There is an introductory demand to listen to the voices of trans people. This demand is general and spans all of the following points. It represents an important value, that of respecting the voices and experiences of trans people. The first specific demands (in order) relate to

> *2. Justice et droits*
>
> *2.1. Inclure dans l'article 10 de la Charte des droits et libertés de la personne du Québec, les termes identité sexuelle et expression de genre comme motif de discrimination prohibé. . . .*
>
> *2.2. Revoir en profondeur les règles à l'état civil permettant un changement de prénom et un changement de sexe :*
>
> *2.2.1. Faciliter le changement de prénom.*
>
> *2.2.2. Réviser les normes de publications des changements apportés à l'état civil pour les personnes transsexuelles et transgenres.*
>
> *2.2.3. Faciliter le changement de prénom pour les personnes immigrantes.*
>
> *2.2.4. Permettre le changement de sexe sans devoir subir d'intervention chirurgicale.*
>
> *2.2.5. Faire en sorte que le changement de nom et le changement de sexe de tout document produit par l'État civil* [*sic*] *(certificat de mariage, de naissance pour les enfants, etc.) puissent être en accord avec les modifications apportées au certificat de naissance.*

2.2.6. Élimination des coûts reliés aux changements de prénoms à l'État Civil [*sic*] *et dans les différents bureaux et organismes gouvernementaux.*

2.3. Former le personnel de l'État civil [*sic*] *aux réalités des personnes transsexuelles et transgenres et adapter un code de conduite respectueux de cette clientèle.*

2.4. Former le personnel de la Commission des droits de la personne et de la jeunesse aux réalités des personnes transsexuelles et transgenres et adapter un code de conduite respectueux de cette clientèle. (Comité trans du CQGL, 2012, p. 10–11)

There are numerous other demands that follow:

- Financing trans organisations
- Social and health services (articulating a series of trans-specific concerns related to health care, shelters, and detoxification programs)
- Education (making sure that university classes use up-to-date information on trans people)
- "Public security" (making sure that trans people are respected—as trans people—in institutions like prisons and during strip searches)
- Employment (working with employers and unions to help trans employees transition at work)

I will get back to these secondary demands later on, but first I want to discuss the first set of "justice" demands. The order in which the priorities are mentioned is telling. The first priorities are linked to human rights, civil status, and educating bureaucrats working in these fields. One might point out that it is logical that justice-related priorities come first, as the document is intended for the Québec justice minister. But this only furthers my point. The CQGL has nurtured relationships with justice ministers in the course of their work with gays and lesbians. The audience was determined before the CQGL ever invited representatives from different organisations to form the committee. The primacy of these justice demands (related to gender) is similarly structurally predetermined.

The third example comes from PolitiQ, a group of queer activists active in Montréal since 2009. Made up of mostly young, educated, white, Canadian and French nationals, they started a trans committee in order to address issues of relevance for trans people. This committee met relatively frequently during my fieldwork but has since become inactive. When the CQGL

invited them to the table, the PolitiQ trans committee held its own meeting to determine collectively what they believed were priorities.[46] Again, in the order they came up, their priorities were the following:

- Civil status (emphasised as the number one priority)
    - facilitate name changes in the province
    - allow legal sex changes without sex reassignment surgery (and without limits to access)
- Depathologisation of gender variance (they, however, did not believe that it was worth bringing this up in the context of the CQGL meeting, as it would not be taken on by the province)
- Inclusion of gender identity in human rights (members specified that they were not against its inclusion in the committee's demands, even though it was not a priority for them)
- Training health professionals, service providers, and police
- Workplace (with the precision that they needed more information to make specific demands)
- Financing community organisations doing trans training
- Putting forth a pro–sex work stance (a position stated but not developed)

I will have more to say about these priorities, but first, I present the fourth example, this time from Toronto.

The fourth and final example is the work done by the Toronto-based Trans Lobby Group. On their Facebook page, they describe themselves as follows: "The Trans Lobby Group was founded in 2001 and its mission is to educate the public, the media, and politicians on the health care and political needs of trans people" (2015). This is a small group of trans activists (about 40 members) who have been at the centre of three major political debates. They first formed in 2001 in order to petition the Ontario government to reinstate funding for sex reassignment surgeries (the surgeries had been delisted in 1998). Once sex reassignment surgeries were reinstated in 2008, they started to work towards facilitating legal sex changes as well as vital statistics more

[46] There were not many people at this meeting; near the end of the group's work the numbers of participants decreased. However, what came out of it was representative of other encounters I had with them. It is also coherent with the *Charte et revendications de PolitiQ-queers solidaires Axe transidentités* (2009), which was cited in the previous section of this chapter.

generally (the quotations in the previous section from Gapka and the Trans Lobby Group illustrate this). Third, the Trans Lobby Group has been active both provincially and federally to promote the idea of adding gender to human rights. For example, they presented their case to the Standing Committee on Social Policy, when the Ontario legislature was considering adding gender to the *Human Rights Code* (see Legislative Assembly of Ontario, 2012). In short, the Trans Lobby Group has advocated on behalf of trans people on three main platforms: trans-specific health care (sex reassignment surgery), civil status, and human rights.

The ATQ, the CQGL, PolitiQ, and the Trans Lobby Group are very different organisations. The ATQ is geared towards service provision for trans people. It is mostly comprised of trans women and more and more is working to include transgender and other trans people. The evolution of their name speaks to this (from *l'Aide aux transsexuels et transsexuelles du Québec* to *l'Aide aux trans du Québec*). L'ATQ is mostly white and Québécois. The CQGL works through an established rights model and looks to include trans people in their work. PolitiQ is a group of mostly young, white, educated queers. The Trans Lobby group is an advocacy-focused group that lobbies politicians and the public to bring about policy change. The three Montréal groups have their fair share of tensions and clashes of personalities, opinions, and politics. For example, the ATQ was noticeably absent from the CQGL's trans committee, which attempted to get as many trans organisations on board as possible (Comité trans du CQGL, 2012).

An element worthy of comparison is the CQGL and PolitiQ's respective stances on gender inclusion in human rights. The CQGL is strongly in favour, while PolitiQ sees this topic as one issue among many (albeit one of the first they mentioned). A second example is their stances on legal sex changes. PolitiQ members would prefer looser criteria than those advocated for by the ATQ for changing one's legal sex in Québec. The ATQ favours a procedure like the one for name changes—requiring supporting documentation—while PolitiQ prefers an administrative procedure accessible without supporting documentation. Despite their differences in origins, purposes, and politics, the ATQ, the CQGL, PolitiQ, and the Trans Lobby Group all use gender rights, civil status, trans-specific health care, and education as their departure points. The reader might be thinking: "So what? Trans groups deal with trans issues."

Marginality framing.

The second framing centres on issues relevant to some of the most marginalised trans people. The priorities that stem from it relate to poverty, immigration status, sex work, and HIV. This framing reveals itself when issues being discussed do not all relate to being trans. In fact, transness sometimes does not even come up. Issues are generally related to immediate, urgent, and basic needs (like finding shelter or accessing food). To illustrate, I use one organisational example from Montréal and one from Toronto: ASTT(e)Q and The 519.

ASTT(e)Q was founded in the mid-1990s. It "aims to promote the health and well-being of trans people through peer support and advocacy, education and outreach, and community empowerment and mobilization" (Ezra, 2012, p. 7). One of their staff members described the organisation's priorities as follows:

- Immigration
    - supporting people without official status
    - knowing what people's rights are in a shifting context
- HIV prevention
- Community dialogue
    - addressing the differences in trans communities
    - public education on trans issues

The 519 is a community centre located in Toronto's gay village. The organisation is 35 years old, but their trans-specific programming started in the mid-1990s. They do outreach, host Meal Trans, and have a variety of discussion groups and events for trans people and their families. While they have trans programs and projects that cater to both marginalised trans people and trans people at large, most relate to issues like shelters and sex work. A staff member of The 519 identified the trans programming priorities as follows:

- Poverty
    - Access to employment
    - Sex work
    - Combating criminalisation of poverty, drug use, sex work

The majority of the issues brought up by the staff members of ASTT(e)Q and The 519 are not immediately obvious as trans issues. They centre on issues faced by marginalised trans people (poverty, lack of immigration status, criminalisation). They are also mostly focused on urgent or basic needs. The relevance of this becomes clear when this set of priorities is compared to the previous one. The identity framing refers to trans identities (gender identity in human rights, recognition of sex and name by the state, access to trans-specific health services, and education about trans people). Identity still plays a role in the second framing, but characteristics such as citizenship, HIV, sex work, and class are forefronted. Diversity is framed along these multiple axes and needs.

To elaborate, I return to the secondary priorities mentioned by PolitiQ and CQGL referenced above. In regards to trans people in the workplace, PolitiQ members noted that they did not know enough about workplace issues to form an opinion. They supported trans people's right to work but needed more information to specify what needed to be done. As the reader will remember, I argued that framings not only dictate the order but also the depth with which various priorities are discussed. The CQGL centred on issues faced by trans people already in the workplace (working with employers and unions to facilitate transitions in the workplace). In contrast, the staff member at The 519 focused on problems faced by trans people who cannot access work: discrimination, lack of training and education, and mental and physical health issues, to name a few.

Likewise, although PolitiQ mentioned being pro–sex work, they were hard-pressed to give any details. The 519 staff are able to discuss issues of criminalisation, marginalisation, and violence, as well as map out different areas of the city where sex work occurs, specifying where, for example, trans Latin American sex workers work. In a similar line of thought, the CQGL mentioned immigration regarding civil status but did not bring up questions of shifting refugee processes or issues related to being undocumented, as the ASTT(e)Q staff had. PolitiQ also addressed this issue, but only because I brought it up in the meeting. The contrast in the level of detail each organisation's representatives gave is significant.

The CQGL covers issues of "public security" (parlance no doubt related to their target audience, the justice minister). They noted trans-related aspects of strip searches, prisons, and conditional release programs. In contrast, both ASTT(e)Q and The 519 focused on issues of

criminalisation related to sex work, immigration, HIV, drug use, and poverty that lead to the incarceration of trans people. One can easily see how possible solutions would also differ.

The transness framing has the advantage of being an easier sell for the public and governments than the marginality framing, as it fits with the dominant identity framing that is found in scholarship and media and has shaped the relationship between governments and groups such as gays and lesbians. For many people, the issues it describes are intuitively "trans issues." But for a lot of other trans people, they are non-issues. The following quotation is from a woman I interviewed. She explained that the trans organisations currently in place are dominated by people who are in the process of transitioning. The kinds of concerns she has, as someone who transitioned over 20 years ago, are not the same. She explained she wanted to start another group for older transsexuals:

> *Y-a un groupe qui en train de se former pour offrir une zone d'échange, de partage pour celles qui sont opérées depuis longtemps, qui ont pas les mêmes besoins, les mêmes enjeux que celles qui sont en transition, on est en train de mettre sur pieds ce groupe-là, . . . donc ça donne un lieu pour partager comme ça, et puis sans les problèmes, de "Ben j'ai pas eu mon 'F'" et "Où est-ce que je vais pour l'électrolyse?" J'en n'ai pu rien à foutre moi de l'électrolyse, tout ça ce n'est plus dans ma vie ça, tsé?*

Are trans issues issues related to transness or are they issues faced by trans people? The reader may want to answer: "This is all well and good, but transness issues are the most common amongst trans people." While I cannot speak to a representation of the entire trans population, I would answer that there were just as many interviews during which social assistance came up as interviews that contained civil status. What has allowed for the assumption to persist that civil status is a common denominator? The transness framing is part of the answer.

I wanted to do things differently. After reviewing policy studies, trans studies, and trans networks, I decided to focus my interviews on policy encounters. The interviews presented in the next chapter were designed in a way to allow for different kinds of issues to emerge. I did not ask people about their gender; I asked about government in their lives. The goal was to give things that generally remain unsaid the opportunity to come up differently. In other words, I wanted interviews to surprise me. Using policy encounters had the added advantage of leaving the door

open to both the transness framing and the marginality framing, as the final four results chapters will show.

This chapter has situated my approach within policy ethnographies. Much like the overall project, which is knowledge for and about policy, the ethnographic component examines both forms of knowledge. As was noted, I did not directly observe trans people interacting with policies; therefore, I did not see first-hand the know-how they employed in their policy encounters. In any case, participant observation was designed to find an object, not to study that object. I was able to interact with many trans people and to observe their interpersonal skills as well as see them exchange information and strategies about policies. This gave me a good base with which to interpret the stories interviewees later told.

I used fieldwork as a strategy towards a new object capable of accounting for experiences neglected by current scholarship. I wanted to know what points of view and perspectives existed in trans networks, and compare them. To reach new points of view, I had to develop an ethnographic sensibility that remained open, even when points of view seemed "backwards." Doing so opened up a new terrain, where the perspective of seemingly non-progressive transsexual women turned out to be more open than assumed. My ethnographic sensibility was also developed with the help of framing analysis. My fieldnotes recorded framing devices. I then used my observations to analyse situations, build up the structure of debates, and finally discern two framing patterns: transness and marginality.

Because the marginality framing brought up issues not usually considered under the rubric of trans issues, I started to wonder what this meant for trans people's progress in society. The general consensus within the transness framing in trans networks is that things are getting better for trans people. Although civil status, human rights, and trans-specific health services are not perfect, they are public topics of conversation and both provincial and federal governments are engaging with these trans issues. Indeed, many of the associated policies have been changed in order to facilitate the lives of trans people. But does any of this matter to a trans woman who finds herself homeless on a cold night? Or to the trans refugee claimant who is denied status? Or to a trans woman who transitioned 20 years ago? If it is possible that our intellectual models have brought us to wrongly identify transness issues as the common denominators for trans people, then we must ask, are things getting better for trans people? In order to answer this question, the

next chapter will present the analytical framework I have developed through interviews to account for policy encounters.

PART TWO: DEVELOPING POLICY ENCOUNTERS

Chapter Five – Policy Encounters: Methodology and Analytical Framework

I hope by now it is clear to the reader why I had to work towards my object of study through conversations with policy studies, trans studies, and trans networks. This was the only way to address dead zones in our scholarly understandings of trans people and policy. Having targeted its object of study, the thesis now shifts gears. Part two of this dissertation will study trans people's policy encounters. A critical/reflexive research practice in this context will start to look a little different. It will be used to develop a balanced approach to policy encounters, in order to reflect on how this object of study frames knowledge, as well as to compare what a policy encounters framing can offer versus that of transness or policy. It will also be present in critiques of policy based on trans people's experiences. This chapter explains why interviews were used to study trans people's policy encounters as well as the methodology guiding the interview process. It then presents my analytical framework (the policy encounters framing), which I developed by analysing interview data and policy documents.

I start by reminding readers of what has already been discussed in terms of policy encounters in the chapters on policy studies, trans studies, and trans networks. I then give some indications as to the comparative strategy employed to further develop my object of study. Afterwards, I distinguish a policy encounters approach from intersectional analysis. I do so because any discussion of difference or the limits of gender analysis will automatically conjure up intersectionality in the minds of many feminist and gender studies scholars. I take the opportunity to further highlight what makes a policy encounters approach unique.

After these preliminary remarks, the chapter turns to methods. In order to investigate policy encounters, I conducted 30 one-on-one interviews with trans people in Montréal and Toronto. Here I explain participant recruitment, ethical considerations, and participant diversity. Next I explain how the interviews centred on participants' day-to-day lives and how the resulting data allowed me to develop the conceptual framework that organises the final four chapters.

By offering an analytical framework with which to understand policy encounters, this project contributes to both policy studies and trans studies. It brings forth knowledge useful for both policymaking and for understanding policymaking. It also brings to attention facets of trans people's lives that rarely get acknowledged in scholarship. These contributions will be developed throughout the rest of the dissertation. I begin with preliminary remarks about policy encounters and intersectional analysis.

Preliminary Methodological Remarks

Policy encounters.

For one researcher or scholar to lay claim to changing a framing on their own would be hubris, as frames extend beyond our intentions and cannot emanate from only one source. What I propose will not be perfect, nor will it completely escape a transness framing. I should also note that my analysis of the identity framing happened in tandem with research design, in contrast to what the linear structure of this dissertation would suggest. Some elements of the transness framing that might have been avoided made their way into my fieldwork, especially the preliminary fieldwork outlined in chapter four. With this caveat in mind, this chapter does present the preliminary elements of a policy encounters framing. I begin by reminding readers of what has been revealed thus far.

The critical/reflexive methodology of the previous four chapters uncovered several parameters for a new object of study examining the relationship between trans people and policy: what it must be able to see and do as well as how it should be developed. In the first chapter, I outlined my living practice of critique/reflexivity, arguing it should be based in substantive contact with actors, who are respected as epistemological equals and whose capacities are modelled in scholarship. Furthermore, this practice of critique should seek out points of view and perspectives currently invisible in dominant realities; it uses actors' experiences to critique the realness of a "real" that excludes them. This critique is part of a perfectible but never perfect

reflexive exercise, where one presents a new object of study without laying claim to *the* object for a discipline or field and throughout which one actively resists the urge to be *the one* who knows.

In chapter two, I traced the effects of a government-centric approach to policy. I explained that this focus has led to a government bias that can be overcome by favouring policy users' perspectives. Policy users impact the embodiments of policy through their interactions with government. Their experiences open up new points of view on government. These are some of the reasons I use policy encounters instead of policy to develop knowledge for and about policymaking. Policy encounters represent the points of contact between people's lives and policy. While they could be studied from government perspectives, as in the work of Dubois (2010), this would further policy studies' government bias. And whereas policy encounters could be examined through a sociological perspective, as in Neysmith et al. (2005), this approach would leave us with nothing concrete to say about policy and Canadian governance. My project aims to strike a balance between policy users and government within the context of a field that contains a government bias. I thus start from policy users' perspectives to then work my way to government policy.

In chapter three, I traced the evolution of systematic dead zones in scholarly conversations about trans policy issues. I explained that these dead zones are a direct result of our overreliance on gender transgression (transness) as a starting point for studies of trans people. I argued for the need to go beyond transgressive voices and to consider points of view other than transgression and gender. Only then can we account for trans people's experiences of policies that are not about gender. As a result, new criteria should emerge that can evaluate policy not only by its ability to encompass transness, but also by the effect it has on trans people's day-to-day lives. Looking at trans people's lives, instead of their transness or genders, allows for other dimensions of their experiences to come to light, while researchers can still account for the role of gender (which is, after all, a significant part of many trans people's lives). Indeed, starting with policy encounters enables an evaluation of the relative importance of gender in various contexts. The object of study, policy encounters, offers an alternative to transness because it can account for gender and transgression without framing knowledge through them.

By means of an ethnographic sensibility that remains open to the diverse epistemological realities of trans people and community organising in trans networks, chapter four offered a first glimpse at content beyond gender. In comparing the marginality and transness framings, their

priorities, and what they have to say about various trans issues, I got some indications as to what a new object would have to be able to cover. My goal was to organise knowledge differently so as to open up new possibilities, without negating the importance of past knowledge. Policy encounters allow the research to consider the priorities of both transness and marginality framings. Transgressors and non-transgressors, trans women and men, transsexuals, and genderqueers all interact with policy. Thus I examine gender policies, gendered aspects of policies, as well as other policies, as long as they are a part of trans people's everyday lives. Such a focus remains open to diverse priorities such as identity documents and gender rights, as well as poverty and criminalisation.

While chapter one through four uncovered several parameters of policy encounters, it is yet unknown how using policy encounters to study trans people's relationship to policy will organise knowledge. What others categories will it relate to and how? How might it redefine diversity in trans networks? What priorities will it identify? What kind of content can it produce? I search for answers to these questions and more in part two of the dissertation: a critical/reflexive attempt to develop a policy encounters framing. Comparative analysis is paramount to such an endeavour.

Comparative analysis between cities, framings, and individuals is a central part of getting to know policy encounters. These comparisons are not the same as those found in comparative politics. Gazibo and Jenson (2004) describe comparative politics as "*un effort d'explication par la confrontation d'institutions, de structures sociales et de comportements situés dans un temps et un espace spécifiques. Elle aspire à comprendre les similitudes et les divergences existant entre les phénomènes politiques et à dégager des régularités*" (p. 16). The regularities that such analysis seeks are the basis of causal theories. But as Liphart explains, "the principal problems facing the comparative method can be succinctly stated as: many variables, small number of cases" (1971, p. 685). My work begins with the recognition found in comparative politics that comparison is a natural feature of reasoning (Gazibo & Jenson, 2006), without turning this into a positivist science. My goal is not to compare Ontario and Québec, or Toronto and Montréal. Rather, I use comparison to better understand each case. At times, this means comparing Montréal and Toronto, but at times it means comparing different experiences within one city, or comparing different perspectives on one policy. Comparison as a means to better understand also led to my attempt to see each provincial context through the eyes of its neighbour. Indeed, the

core of the critical/reflexive enterprise is to move within and between perspectives, which is why it is vital to develop an ethnographic sensibility.

Unlike in comparative politics, where two or more cases are compared through a series of variables, here I describe a fundamental back-and-forth movement, a third option between inductive and deductive reasoning. While inductive reasoning attempts to move up towards abstraction and deductive reasoning to move down from general principles, comparison is a lateral exercise that need not necessarily move in either of these directions. This project has been built by constantly moving between Montréal and Toronto, different policies, different experiences of policies, categories, symbols, stories, logics, priorities, and discursive practices. With each comparison, the goal is to draw attention to elements that would otherwise be missed. This project is not a comparison of two cases: Montréal and Toronto. It does not produce judgements regarding which context or perspective is better for trans people. In addition, I use comparison not with the intent of creating abstract causal theories or validating hypotheses. It is simply an analytical strategy for understanding. As such, I am taking an implicit strategy already widely used in many studies and making it explicit and systematic: an intentional and constant effort to compare.

The primary focus of this comparison is the role of policy in trans people's lives: their policy encounters. The primary point of comparison that can facilitate an understanding of trans people's interactions with policy is to look at *the different policies trans people interact with* and *the different ways they interact with one single policy*. Several kinds of sources will be used in the following chapters to do this work, such as laws, policies, reports, and scholarship. The most important source will be interviews with trans people. If properly executed, this method gives voice to people who are often ignored and gives the researcher access to large amounts of relevant data. Before I can give more detail, I must answer a frequently asked question: why not just use intersectional analysis?

Why not use intersectional analysis?

Intersectionality examines the relationship between intersections of categories of difference and power. It is unavoidable in feminist and gender studies, where it is central to many textbooks

(e.g., Hobbs & Rice, 2013), embedded in course offerings (e.g., Memorial University's "Identities and Difference"), and a regular topic at conferences (e.g., the 2015 Women's and Gender Studies et Recherches Féministes Conference at the University of Ottawa devoted two sessions to intersectionality). I've lost count of the number of times I have been explaining my work to someone only to have them say "Ah yes, intersectional work!" Well, no. But comparing my policy encounters framing with intersectional analysis is a valuable occasion to further distinguish a policy encounters approach, as long as I tread carefully. Intersectionality is a sensitive topic.

Tomlinson argues that "many critics approach intersectionality carelessly . . . through metacommentary and complaint. . . . Critics assume that their task is *to critique intersectionality*, not *to foster intersectionality's ability to critique* subordination" (2013, p. 996, emphasis in original). In other words, Tomlinson takes aim at easy critiques of intersectionality. The author further contends that "uninterrogated scholarly and social conventions and habits of argument lead to distorted and destructive critiques of intersectionality that are damaging to feminist antisubordination scholarship and activism" (p. 993). She goes on to study the rhetorical devices used to undermine intersectional analysis, including *rejection* and *replacement*. Scholars that fall into this category reject intersectionality due to some supposed flaw to then propose a new "site or theory to rejuvenate feminist political desire" (p. 1000). One such example would be to frame intersectionality as "inattentive to power" (p. 1001). Tomlinson argues that such "rhetorical misrepresentations of intersectionality emerge in part from professional pressures, reward structures, and credentialing mechanisms. Scholars are eager to publish. Displacing and supplanting previous knowledge conforms to the structures of professional reward" (p. 997). Tomlinson makes an interesting and important point, one I took to heart in revising an early draft of this section that did not mention power in relation to intersectionality. But I believe the author's argument must be considered alongside the imperative to engage with intersectionality. It is true that supplanting past models can bring academic prestige, but the rules of the academic game also demand that we address past models.

Within gender studies and feminist scholarly contexts, I cannot address similarity/difference and power without engaging with intersectionality. The influence and popularity of intersectionality (see, e.g., Bilge, 2009; Davis, 2008; Denis, 2008) demands attention. And the same material conditions of publication Tomlinson references require that

authors engage with intersectionality even when they use alternative means of analysis. Within the article format, this engagement must be done in a limited number of words, without losing the complexity of intersectional work. Quick or easy critiques are sometimes necessary. Luckily, the dissertation format allows me to take a fifteen-hundred-word detour to explain why I will not use intersectional analysis. My only points are that intersectionality cannot do everything and that diversity and power can be thought of in other productive ways. To explain my position, I will address intersectional categories and logic.

Intersectionality was first coined by Crenshaw (1989, 1991), but as Baril (2013) points out, she was not the first to think about how identities intersect, nor is intersectionality the only term for understanding identities' intersections (one example in French is *multidimentionalité*). Just as Butler represents a moment where a new kind of intellectual interest in gender appeared, Crenshaw symbolises a shift in thinking about gender, race, and class. Intersectionality was introduced "as a heuristic term to focus attention on the vexed dynamics of difference and the solidarities of sameness in the context of antidiscrimination and social movement politics" (Cho, Crenshaw & McCall, 2013, p. 787). With this term, Crenshaw first wanted to address the ways Black women were "theoretically erased" (1989, p. 139) by feminists analysing gender and by those doing antiracism work analysing race. This invisibility of Black women could not be addressed by just adding in Black women to previous analysis; one had to discuss the relationship between and beyond gender and race:

> Because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated. Thus, for feminist theory and antiracist policy discourse to embrace the experiences and concerns of Black women, the entire framework that has been used as a basis for translating "women's experience" or "the Black experience" into concrete policy demands must be rethought and recast. (Crenshaw, 1989, p. 140)

Crenshaw (1989) proposed complexifying the analytical plane that links identity and discrimination, arguing that identities cannot be hierarchized. As intersectionality evolved, authors proposed many ways of dealing with "the complexity of social life" (McCall, 2005, p. 1772). It is true, as Tomlinson argues, that intersectionality has faced easy critiques. This form of analysis has also been plagued with inadequate analyses that lack rigour and fall into traps of

tokenism (Davis, 2008). In policy studies, I have noticed that authors will sometimes use an intersectional vocabulary to cover up pre-existing analysis (see, e.g., Grace, 2012). These uses erode intersectionality's reputation, but they do not represent the best this perspective can offer. In distinguishing myself from intersectional analysis, I in no way want to take away from its uses. The diversity within intersectionality and the multiple directions and levels of analysis are nothing short of awe-inspiring. But no framing can see and do everything.

My analysis centres on shared aspects of intersectional work. Consider what Cho, Crenshaw, and McCall have to say:

> What makes an analysis intersectional—whatever terms it deploys, whatever its iteration, whatever its field or discipline—is its adoption of an intersectional way of thinking about the problem of sameness and difference and its relation to power. This framing—conceiving of categories not as distinct but as always permeated by other categories, fluid and changing, always in the process of creating and being created by dynamics of power—emphasizes what intersectionality does rather than what intersectionality is. (2013, p. 795)

The analytical plane of intersectional work is composed of identity categories—be they called identities or social positioning—and power categories, such as discrimination, privilege, and oppression. In other words, intersectional work analyses the world by relating categories of identity and categories of power. It is not always immediately evident that identity categories form the backdrop of intersectional analysis: authors speak of social positions, social divisions, or experiences, which could technically lead to other types of categories. But a review of the common dimensions of analysis illustrates the organising role of identity. Consider gender, race, class, sex, sexuality, ethnicity, religion, age, ability, and nationality. Social divisions and experiences are in fact understood through identity. Furthermore, it is by establishing a nexus of identities that a person is individualised and thus differentiated from others.

This point does not negate the diversity of intersectional analysis, it only describes its shape. Here intersectional authors may accuse me of reciting the oft-told, but thoroughly misguided, critique that intersectionality is "an identitarian framework" (Carbado, 2013, p. 812). As such, I risk falling into the metacommentary about which Tomlinson warns. Many intersectional authors are adamant that intersectionality is not only about identity. Cho, Crenshaw, and McCall explain that

> intersectionality is inextricably linked to an analysis of power, yet one challenge to intersectionality is its alleged emphasis on categories of identity versus structures of inequality. While this theme has surfaced in a variety of texts, particularly those that might be framed as projects that seek intersectionality's rescue, in this issue we emphasize an understanding of intersectionality that is not exclusively or even primarily preoccupied with categories, identities, and subjectivities. Rather, the intersectional analysis foregrounded here emphasizes political and structural inequalities. (2013, p. 797)

Yes, power is a key feature of intersectional work. The quotation above is correct in identifying the defining feature of an intersectional "analytic sensibility" (p. 795) as linking identity and power. In intersectional analysis, there is a common logic that links problems to identities. Problems faced by people tend to be thought of in terms of oppression, discrimination, injustice, and domination linked to identities and/or analytical categories of identity (complexified identities, but identities nonetheless). This focus on identity is how issues are problematised in intersectional analysis, its problem representation par excellence. Thus, a nexus of identity (gender/race/class) helps explain the "problem" of discrimination or oppression and vice versa. Discussions congregate around these nodes. As certain combinations of advantages and disadvantages become standard, however, they can lead to intellectual shortcuts: a trans woman of colour is oppressed but a rich white man is privileged. This is a general trend, but not an absolute truth, and is similar to the supposed truism that trans people face discrimination because they transgress gender norms.

Intersectionality can do many things, and scholars should continue to encourage skilled analysis that applies it. But if it becomes "*un nouveau cadre normatif*" (Baril, 2013, p. 36) or a "*véritable leitmotiv dans les recherches féministes contemporaines*" (p. 37)—in other words, our go-to analysis to incorporate diversity—we will systematically invisibilise other pertinent knowledges. No one framing can do it all, and scholars should sometimes try to organise things differently, something this project aims to do.

Intersectional analysis attempts to mitigate the limits of the identity framing, but its analytical plane remains dominated by this same family of identity categories, albeit more nuanced and complex versions. I think identity is important, but must every analysis work through it? Scholars could go further down the same path: on the one hand, by continuing to

complexify how gender, race, class, sex, sexuality, and an ever-increasing list of identities relate to one another (intersections, transformations, transgressions), and on the other, by questioning the borders and stability of each category. If our research follows this path, we will keep reconfiguring the same nodes and adding more like them. In so doing, new fields will continue to appear in line with recent developments such as women's studies, gender studies, sexuality studies, queer theory, critical race theory, postcolonial/anticolonial approaches, disability studies, and of course, trans studies. They will further cement the basic framing of our critical academic work, the basis upon which universities organise knowledge: identity. This course of action would be productive, but in a limited way. I think academia would be made richer if we considered other possibilities. As such, I developed a critical/reflexive approach to work towards a multi-framing field.

The identity framing family that links the transness framing and the intersectional framing has become our intellectual bias. It resonates with some aspects of the populations we study and the difficulties they face, but not others. The obsessive use of these framings neglects to acknowledge that our models are not the same as the realities we try to grasp. As Bourdieu explains, intellectual bias is

> to place the models that the scientist must construct to account for practices into the consciousness of agents, to operate as if the constructions that the scientist must produce to understand practices, to account for them, were the main determinants, the actual cause of practices. (1990, p. 384)

I attempt to do something other than an identity framing by constructing an analytical plane centred on the point of contact between people's lives and policy. This approach is not universally better than a transness framing or intersectional analysis. My position is that a healthy field contains multiple framings, that scholars should learn to think through multiple framings, and that we should embark on a collective reflexive enterprise that examines our models. The rest of this chapter starts to develop a new framing around policy encounters. It begins with an explanation of the methods used to investigate this object.

Methods: Using Interviews to Investigate Policy Encounters

Why/how.

Interviews are a good way of getting people together to discuss an agreed-upon topic. While I learned a great deal in trans networks, interviewees' focused attention allowed me to delve deeper into an individual's life and to examine how an individual's life comes into contact with policy. Interviews may also be recorded, permitting a more nuanced analysis of framing devices than much of fieldwork does. The interviews I conducted were semi-directed, but as this can mean many different things, I include the specifics of this project's interviews here. I took inspiration from Holstein and Grubium's (1995) active interview, in which the interviewer's role is to activate participants. Participants are called upon not to give direct access to their realities (world-as-is) nor to produce speech in a void. For Holstein and Grubium, interviewees access stock knowledge (much like the list of images from trans studies offered in chapter three). In a framing analysis specifically, interviewees access categories, logics, and discursive practices.

In total, I did 33 interviews (19 in Montréal and 14 in Toronto), 30 of which are considered here (19 and 11 respectively). One participant withdrew their participation for reasons unrelated to the project. Two participants were not trans but answered the call because of the $30 honorarium. This was a good reminder that participants from marginalised populations often answer calls because the money is useful to them.

People's reasons for participating were diverse: wanting to get the word out about trans people, appreciating that someone was willing to listen, feeling compelled by recruitment, or believing in the power of research to effect change. I had one participant explain that the honorarium would go to buying propane to heat her tent. Here, some readers might worry that participants were coerced to participate. By this logic, however, most jobs are coercive and unethical. More importantly, while this concern is based in the good intention of the concerned party wishing to avoid coercing people who may have less power, it reinforces their status as it assumes that only people with money are in a position to negotiate consent.

There must, of course, be safeguards when recruiting for interviews; participants were informed that they did not need to answer the questions, could stop the interview at any time, and could withdraw their participation. They were paid regardless of whether they completed the

interview. Importantly, most participants did not need these safeguards. They were skilled negotiators, and they did not hesitate to limit their answers or refuse to answer questions (about things like age or the amount of government monies they received). Furthermore, participants took the time to meet me and share information that I would otherwise have been unable to access. As such, their contributions merited compensation.

I viewed participants as consultants with an expertise (as epistemological equals). Whether they used the money to buy propane, food, to go to the movies, or to simply avoid having to walk to an ATM, it was appropriate to pay them. The $30 amount is generally deemed acceptable by ethics boards, but it was not chosen randomly. The minimum I myself was willing to accept for work was an hourly wage of about $20. Thus, it made sense to offer this amount for an interview of approximately one and a half hours.

This stance on participants as consultants made the choice not to use participants' names in presenting results a difficult one. For many trans people, recognition, including by name, is important. And since participants bring in their expertise to research, it could make sense to attribute quotations to them. But not knowing what would come out of the project—only that participants would share a great deal of personal information—I did not want to risk that they would censor themselves or later regret having their personal information in the public sphere. This preliminary decision turned out to be the appropriate choice. No participant objected; many, in fact, noted that confidentiality was a necessary condition for their participation. It became obvious in interviews that the most important recognition for several participants was of a different kind than making the most intimate details of their lives public; they wanted recognition that their experiences, opinions, and voices matter.

Each person's relation to policy is unique, and too much information about an individual's policy encounters leads to the risk of their being identified. When it became obvious that using the same pseudonym for a participant throughout the final four results chapters would jeopardise their confidentiality, I opted to refer to interviewees simply as participants. This choice was especially important as part of the work I did to assess trans people's policy successes and failures was examine their skills and mistakes. The last thing I would want to do is embarrass a participant by making their faults and mistakes public.

Diversity.

As with ethnographic fieldwork, one cannot simply "do interviews" and hope for the best. The "how" of research matters. It is customary to give the socio-demographic traits of participants to demonstrate the diversity of one's sample. My critical/reflexive methodology questions this practice. An identity framing, such as transness or intersectionality, defines diversity in terms of identity (gender, sex, and sexuality being the most common for trans people). In trans studies, we saw that gender is used to measure trans people's diversity. With intersectional analysis we examine the intersections of categories of difference. Although meant to be descriptive, socio-demographic traits often perform the same function as identity categories. The way this kind of information is gathered helps illustrate this point: "What is your gender?" Such an approach forcibly organises knowledge through such categories.

In my project, the object of study that organises knowledge is policy encounters. As a consequence, diversity is defined primarily in terms of different relationships to policy: relationships to various policies or various relationships to one policy. The reader will remember that the comparative strategy used to develop policy encounters follows the same logic. Such an approach has the added advantage of taking the pressure off identity categories. It opens up possibilities while giving space to identity as it comes up in discussions of the role of government in people's lives. I did not have participants fill out a form or systematically ask them about their age, origins, gender, and so on. However, I did ask such questions when it seemed pertinent. For this reason, I cannot say that I spoke with x number of Indigenous folk or y number of trans people of colour. What I can say, however, is that in interviews focused on people's day-to-day experiences, as well as on what is important to them, two participants brought up being Indigenous[47] (another admitted to sometimes pretending to be "Native"), eight explained that they were born outside of Canada, and two brought up racism.[48] And most importantly, I can affirm that there was a great diversity of relationships to policies, which I will explain in further detail shortly. First, I offer a few words on recruitment.

[47] I have used "Indigenous" here but want to underline that the people I spoke to referred to themselves as Native, Indian, a*mérindien*, or *indien*. When discussing specific cases, I will use the vocabulary used by the individual.
[48] I am not suggesting that being a trans person of colour is the equivalent to being born outside Canada.

Recruitment.

The critical/reflexive work in part one concluded that transgressive voices dominate current scholarship about trans people. It follows that I privilege other kinds of voices in this project to redress this bias and challenge trans studies' reality. At the same time, I need policy encounters to remain open to transness issues. Recruitment had to reflect this critical/reflexive need as well as bring forward a diversity of policy encounters. I based recruitment on the framing analysis I did in trans networks. I attempted to find people in parts of trans networks dominated by the transness framing as well as the marginality framing. These spaces tended towards different policy priorities and so were likely to house trans people with diverse relationships to policy. I also privileged non-university networks (without completely excluding them), due to the current bias in trans studies that favours researchers' personal networks (as I examined in chapter three). In Montréal, I found participants with the help of an email sent out by the ATQ as well as through their Facebook page, an in-person presentation to a group at ASTT(e)Q, and personal networks (including PolitiQ). In Toronto, I used posters at The 519, Fred Victor Centre, and PASAN, as well as group presentations at The 519. The recruitment material was tailored to various contexts but generally centred on asking people about the role of government in their lives (two of the flyers used are included in the appendix).

I found that by talking to people about policy (or *politiques publiques*), some individuals who did not consider themselves to be political felt they had nothing to contribute. As soon as I changed the vocabulary to a focus on government, however, people had a lot to say! For example, within a few days of sending out information through the ATQ mailing list, I had more people answer than I could interview. This indicates that the subject (government) resonated with people, but also that community leaders assisted in reaching relevant participants. Their pro-research stance was hugely important.

Framing the interview around policy encounters.

The interviews were framed to investigate policy encounters. Policies are ubiquitous in people's lives. It was thus important to get to know participants' daily lives in order to get a sense of the policies they interact with as well as their general dispositions. These details could inform me as to how they related to policies. In addition, I had to get know their perspectives on policy. To accomplish this, all interviews started with the same question: "Describe what you did yesterday from the time you got up to the time you went to bed—what you did, who you saw." The question put people at ease, although many laughed as they told me about their morning routines. There was generally enough material just from this one question to unpack for most of the interview, especially when I asked them if it was a typical day and about other quotidian activities. By the time they were done answering, I knew about where they lived, where they worked, how they filled their time, who their best friends and loved ones were, but also about the social and health services, charities, and community centres they frequented. I made sure to cover housing, money, social services, and health services, but most of this came up without prompting. As for the policies that were addressed, many participants brought them up directly, but at times I would probe by asking about the link between the aspects of their lives that they mentioned and potentially related policy. Finally, I left room for participants to share their experiences of policy, their policy opinions, and any policy priorities they had.

Once transcription was completed, I developed a coding and note-taking method centred on policy encounters and participants' perspectives on policy. I identified where policy-relevant data came up in the interview (what I would later call policy situations). I listed each situation and analysed the related policy encounters (e.g., direct/indirect contact, level of importance for the participant, if street-level bureaucrats were involved, the participant's agency, if it was a successful interaction with policy, etc.). Early on in my analysis, the interactions between policies stood out, which is coherent with past work (e.g. Namaste, 2000). For example, civil status and health policy intersect when a trans person's health card does not reflect their sex and/or gender. In both Namaste's work and my interviews, participants recalled avoiding health care services after experiencing discrimination in clinics and hospitals that insisted on referring to trans clients by their legal name and sex. As it became evident that these intersections were a key feature of the way policy encounters order knowledge, I created visual representations of links between

policies to help me think about the ways they intersect. I also identified and analysed framing devices: categories, stories, logics, problematisations, and information networks (discursive practices). Finally, I did some thematic analysis, with a few select themes such as housing, work, and health.

In total, interviewees had hundreds of policy encounters, from Rottweiler bans to school boards' relationship to primary schools. Generally, 20 to 40 policy encounters came up per interview. I chose the groupings of policies to investigate in more detail based on the importance that participants attached to them, but also the number of interviews in which related experiences came up. I grouped the policies with the help of my framing analysis from the first phase of fieldwork in trans networks. This grouping gave way to the following four areas of policy encounters:

- *Housing*: from mortgages to shelters; for example, waiting for social housing
- *Migration*: including immigration, refugee claims, and travel
- *Social assistance*: all monies and programs targeting people who do not have an income, from disability benefits to education programs
- *Trans-specific and gender*: for example, legal sex changes, or adding gender to human rights legislation

I further restrained the elements considered for each policy area to make the analysis manageable. These choices are explained throughout the following four chapters. It is already unusual for a policy research project to address multiple policy areas, and some depth had to be sacrificed to make this possible. In exchange, I gained a sense of participants' policy encounters.

Knowledge in interviews.

Because I practice an ethnographic sensibility that remains open to participants' perspectives, I had to reflect on the kinds of knowledge interviewees shared with me. I learned two striking things by doing the interviews: the importance of know-how for dealing with policy and the lack of clear framing patterns in interviews. I have explained that policy studies creates knowledge

about and for policy. Interviewees also produce these kinds of knowledge, but know-how was more important in their policy interactions. Participants interact with many policies but directly reference relatively few of them. Indeed, the people I spoke with were not generally aware of the policies with which they interacted. They tended not to use policies' official titles or vocabulary. They often did not know a policy's official criteria. They were not always aware of what policies could do, either. For example, if someone had gained refugee status, they did not necessarily know much in detail about immigration law. Some participants mentioned being in favour of gender inclusion in rights but did not know the jurisdiction or context of these rights: federal? provincial? work? interpersonal relations? And yet, trans people managed to gain refugee status or form opinions about rights. Knowing how to navigate policies is not the same thing as knowing their titles, objectives, histories, and details. My critical/reflexive research practice values actors' knowledge and attempts to model actors' capacities. For this reason, participants' know-how became central to my development of policy encounters.

Polanyi's notion of tacit knowledge is of use here (1974[1958]). In working towards an explanation of tacit knowledge, that is, "inarticulate acts of intelligence" (p. 95), the author compares the skill needed to ride a bicycle and knowledge about the physics of cycling (p. 49–50). Cyclists can successfully remain upright without knowing about centrifugal force, yet this force is what allows them to move forward without falling down. Policies may not have the same power as gravity, but navigating through their complex rules requires skills akin to riding a bike. What came out of interviews was that participants often had more policy know-how than knowledge of policy. Knowing where to go, who to ask, and how to communicate effectively are some skills to keep in mind when investigating people's interactions with policies. Such observations can aid in understanding why some interactions are more successful than others. However, knowledge of and about policy remains relevant. To quote Polanyi,

> Rules of art can be useful, but they do not determine the practice of an art; they are maxims, which can serve as a guide to an art only if they can be integrated into the practical knowledge of the art. They cannot replace this knowledge. (1974[1958], p. 50)

In other words, it would do a trans person no good to know the criteria of acquiring refugee status if they could not put this knowledge into practice when explaining to the judge the persecution they faced in their country of origin (I will explain this process in greater detail in chapter eight).

These realisations led to my organisation of the discussion on Bourdieu and Boltanski in chapter one around actors. They also explain the limitations of works like that of Neysmith et al. (2005), discussed in chapter two, which examine people's perspective but cannot say anything about policy. Policy users' perspectives are not sufficient—the perspective of government is also at stake in policy encounters. In order to study policy encounters, one must find a balance between policy users' perspectives and government perspectives. I attempted to do this by starting with interviews to access trans people's perspectives and then researching and analysing the policies interviewees encountered.

A second striking aspect of the interview process was that I was not able to distinguish clear framing patterns in participants' responses. As I have explained, I operationalised my ethnographic sensibility through framing analysis. I had fully expected to be able to apply a similar analysis to interviews as I had to trans studies and trans networks: to identify patterns of relations between categories and the logics used to problematise reality. In realising my mistake, I gained an appreciation for the ways in which people have the ability to jump from one framing type to another. Interviewees would at times use the analytical planes and logic of the transness framing or of the marginality framing, and at other times use another—often unidentified—logic. Real people live in a multi-epistemological reality, where different knowledges coexist without necessarily being compatible. Somehow, these multiple framings worked together in the worldview they expressed during the one-and-a-half hour interview. Scholars constructing academics fields could learn a thing or two from participants about making room for multiple framings. Although it falls out of the purview of this project to delve deeper into this matter, I want to offer a few preliminary reflections, as I believe they would be promising avenues for further contemplation.

One of my first questions was the following: Why are clear framing patterns visible in trans studies and in trans organising, but not when trans people speak about their lives? There is something about the mode of academics when writing about trans people and community leaders when discussing priorities for trans people that does not occur, or at least is less prominent, when trans people talk about their lives. One possibility is that this difference has to do with academics and organisers' need to generalise for groups of trans people, while individuals can afford more space for their particularities. I believe it may also be because the trans people I interviewed make sense of the world differently than do trans studies academics or community organisers.

While trans studies examines transness, and community leaders look at the needs of the people with whom they come into contact, trans individuals primarily make sense of their policy reality in order to navigate policy. They might draw upon trans studies and trans networks, but they also make use of their surroundings more generally. Again, know-how is more important than knowledge of the policies themselves. There are several similarities with Bourdieu and Boltanski's arguments. But, unlike in Bourdieu, the policy actors I spoke with were involved in objectification. Unlike in Boltanski, the larger critiques within which interviewees based themselves were not only those of sociology; they were critiques formed by actors involved in trans community organising and activism.

The issues that trans people brought up were more diverse than those found in trans studies. Participants told me about linguistic policies and Québec independence, publishing houses and the ISBN system, policies that regulate where people can rollerblade or bike, the subway schedule, the Occupy movement, the student movement, the education of "troubled" youth, the ban on smoking in federal prisons, and many more policy-related issues. There was such great diversity of relationships to policies and what policies meant to participants that it was not possible to separate them neatly into distinct frames. Luckily for me, looking at framing devices was nonetheless valuable.

Framing devices.

Framing analysis gave me an opportunity to interact with the data. Although I was not able to identify the frames that shaped what participants said, examining framing devices (e.g., categories, logics, and discursive practices) was a valuable entry point into their experiences and the content of their perspectives. These perspectives and experiences were then used to get to know policy encounters and critique current policy. The most productive device was stories. It is not surprising that stories came up in all the interviews. After all, the first question prompted a story: "Tell me what you did yesterday from the time you woke up to the time you went to bed." People told me stories about their daily routines, their partners, their friends, their jobs, and so forth. One participant in Toronto told me about a typical day: He and his friends would go from drop-in centre to drop-in centre in search of food and clothes. The routine was carefully planned

and had been perfected over the course of a few years. He considered the distance between places, where they would get bus tokens, and how he could avoid aggravating his foot pain. In between these stops, he would look for work, bringing in résumés to stores where clerks would politely tell him that they were no longer hiring. This story does more than describe the participant's hardship—it points to the importance of social networks, of developing knowledge about available services over time, of strategies to minimise foot pain, and of the perseverance needed to make it through the day.

People shared many stories of the difficulties that they had faced. A Venezuelan woman told me about the series of events that led to her arrival in Canada and to claiming refugee status. Her narrative was animated, vivid, and full of twists and turns. It was also sad, violent, and graphic. She was a captivating storyteller and it was evident that this story had been told many times before. The story had no doubt evolved over the years since she had arrived in Canada, some elements becoming prominent and others omitted. But through her story, she shared her values and how she wanted to be perceived. She told me about how she survived: making allies amongst police, state officials, and others with power. It was important to her that I knew she helped the people around her: her mother, her friends, and her neighbours.

People also told stories about their interactions with street-level bureaucrats. A woman in Toronto came to develop a good working relationship with her Ontario Works worker, after she had been affected by several bureaucratic mistakes in a short time period. Her social assistance cheques had repeatedly stopped without warning due to clerical errors. At one point, Ontario Works overpaid her and then demanded to be reimbursed. Each time something happened, she would call her worker, and they would figure out together how to resolve the problem. Her story gave me a sense of how she related to others. She tended to be successful in her policy encounters. Good relations with street-level bureaucrats were an important part of this success.

Another woman had story after story of confrontations with people at a food distribution centre, in a bar, and walking down the street, as well as with her teacher, health workers, neighbours, landlord, police, and others. In many cases, the other person would address her or act in a transphobic manner. She would get angry, confront them, and the conflict would escalate. She was less successful with policy than the women in the previous examples. This woman had difficulty accessing health and social services, with her *Emploi-Québec* worker, and with her state-funded job training, and she could not get police to take her complaints seriously.

These few stories reveal some of the diversity of trans people in relation to policy, as well as why some policy interactions might work better than others. Through their stories and use of framing devices more generally, participants offered a window into their policy encounters and perspectives on policy. I now turn to the analytical framework I developed based on what trans people said in interviews.

The Policy Encounters Framing

The rest of this chapter gives an overview of the policy encounters framing. This framing organises knowledge around the object of study *policy encounters* in order to understand the relationship between trans people's lives and policy. So far in this chapter, I have pointed to how the framing was developed. First, I built off of the conclusions from part one of the dissertation, which set the general parameters for policy encounters, including what this object should do and see. Second, I worked through a systematic comparison of policy encounters between Montréal and Toronto, contact with different policies, and different experiences of policies, as well as related categories, logics, priorities, and discursive practices. Third, I analysed interviews with trans people.

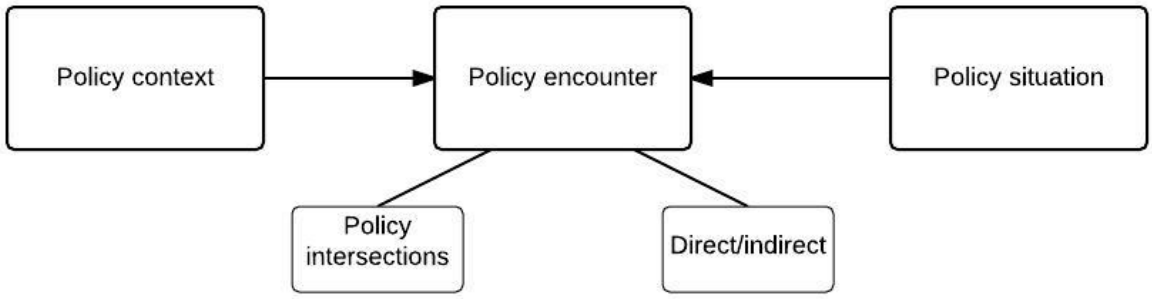
Once I had established the four policy areas to be studied (housing, social assistance, migration, and trans-specific policies), I went back to interviews and notes to gather all the relevant policy encounters. I then painstakingly traced the policies with which participants had come in contact from the experiences they had relayed to me. I examined hundreds of documents such as laws and bylaws, policy directives, budgets, program evaluations, court rulings, and manuals from Montréal, Toronto, Québec, Ontario, and the federal government. I compared these official documents with participants' experiences, used the policies to contextualise participants' experiences, and began to critique these same policies with the help of participants' experiences.

The policy encounters framing elements presented here are those that proved relevant for understanding trans people's policy encounters with housing, social assistance, migration, and trans-specific policies. In this chapter I give an overview of key categories, logics, and dimensions as they relate to policy encounters. Each point will be developed in the following

chapters, where I will show them in action and compare what they give with the transness framing and traditional policy work.

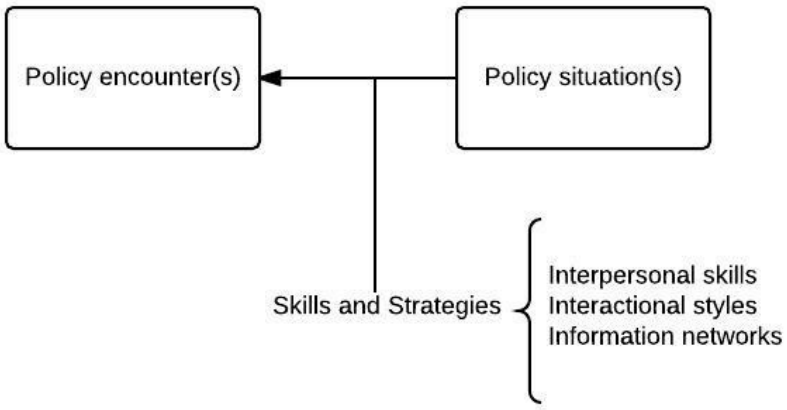
The core analytical framework includes three main categories: policy encounters, policy situations, and policy context. A policy encounter is the point of contact between someone's life and policy. At any given point, the trans people I spoke to interacted with multiple policies. Indeed, when starting from the policy user's perspective, the encounter is never singular. A key dimension of the policy encounter is thus policy intersections. Moreover, the presence of policy in people's lives goes beyond direct contact. A second dimension of the policy encounter is a distinction between direct and indirect contact with policy. The figure below outlines my core analytical framework:

Figure 5.1. Policy Encounters: Core Conceptual Framework



When we start from policy users' perspectives, they are like Boltanski's actors: active. Trans people navigate policy, at times with great skill. While good skills cannot alone make a policy interaction successful, they can go a long way to easing one's relationship to policy. It thus makes sense to ask what kind of skills can be useful. For this reason, the framing has a secondary level, which examines the interpersonal skills, interactional styles, and information networks of trans people.

Figure 5.2. Policy Encounters: Skills and Strategies



I now turn to explaining in more detail each of the elements presented in the above two figures.

Policy encounters.

On any given day, we all interact with thousands of policies, most of which we do not notice. Because we all encounter so many policies in so many ways, our pattern of interaction is as unique as our fingerprint, though it evolves as our situation and needs change. From working with trans people, I have learned that policies get noticed when they are new to someone, challenging, or cause problems. In other words, those who are struggling will notice the effects of policy more than others. The stakes are also higher for some than others. When an individual is aware of a policy encounter, they must decide how they will interact with it. Will they seek out information, develop a strategy, or do nothing? This decision-making does not occur solely in a practical mode (as in Bourdieu), but also through active engagement with policy (as in Boltanski).

Direct/indirect contact.

It is useful to distinguish between direct and indirect policy encounters. People come directly into contact with decisions, rules, and procedures, but they can also indirectly interact with policies' effects and form policy opinions. Direct contact might include a medical exam to apply for citizenship, meeting with an *Emploi-Québec* or Ontario Works bureaucrat to receive social assistance, or filling out required forms to change one's civil status. On the other end of the spectrum, indirect contact includes the opinions that people form about policies that do not affect them directly—for example, a trans person might form an opinion on the future of civil status policies, when they themselves have already completed the process. This opinion, however, remains a part of this person's relationship to policy.

Crucially, opinions about policy likewise affect how a trans person will approach policy. If they believe that a policy excludes them, they may avoid it or develop strategies to get around it. Another form of indirect contact occurs when people interact with policies from the past. Every time someone walks through a neighbourhood, they are indirectly coming into contact with urban planning policies from decisions made decades ago. This form of indirect contact is important when considering social housing, as most of the buildings were built through programs that no longer exist. However, the effects of these policies remain in people's lives.

Whereas indirect contact is critical to people's relationship to policy, participants were more likely to notice direct forms of contact. This bias was especially evident when a street-level bureaucrat was involved—whether traditionally defined as such or empowered by government to make decisions about trans people. For example, psychologists working in the private sector in Québec are empowered to decide (to write a letter) that determined who has access to state-funded surgeries (Ezra, 2012). They can also write letters of support for individuals applying for *Solidarité*, the disability support program in Québec (*Ministère du Travail, de l'Emploi et de la Solidarité sociale*, 2014a). The community outreach workers that interviewees talked about may not have been government employees, but if their salary was paid by government funding and the services they offered involved discretion—who would they help when there was more demand than they could respond to?— they too filled the role of a street-level bureaucrat.

It is unusual to consider these non-governmental workers alongside street-level bureaucrats. There is not much precedence for working in this fashion, but one example is

Brady's (2011) consideration of the employees of private agencies in Australia who helped monitor welfare recipients participating in a welfare to work program. Despite being unorthodox, taking into account these other front-line workers making policy-related decisions is vital to understanding trans people's relationship to policy. Consider the various kinds of bureaucrats and front-line workers with whom trans people must work:

- Family doctors, endocrinologists, surgeons, specialists, psychologists, psychiatrists, sexologists, nurses, administrators of recovery centres
- Police officers, judges, prison staff, conditional release agents, legal aid lawyers, detectives, and bureaucrats at the *Commission des droits de la personne et des droits de la jeunesse*
- Teachers and professors for employment and language training
- *Emploi-Québec* and Ontario Works case workers and their supervisors
- Bureaucrats at the office of the *Directeur de l'état civil* or registrar's office, the *Régie de l'assurance maladie du Québec* or the Ontario Ministry of Health and Long-Term Care
- Shelter staff, Toronto Housing staff, and people at the *Office municipal d'habitation de Montréal*
- Support workers, social workers, and *intervenants*
- Customs officers, immigration officers, and commissioners
- Community workers whose work is funded by government

In sum, the first dimension of policy encounters is direct or indirect contact. Distinguishing between these forms adds nuance to people's relationship to policy.

Policy intersections.

A policy encounter is rarely (if ever) as simple as contact with a single policy, which is why I generally refer to policy encounters in the plural. The intersection dimension of policy encounters would be less visible if one favoured government perspectives in research design, as policy studies does. As I have explained in previous chapters, policy studies scholars tend to focus on

one policy or policy area, which is not possible when we start from policy users' perspectives, as their explanations of the role of government in their lives do not generally distinguish between policies. Moreover, their experiences are generally found at the intersections of policies. I will give examples of policy intersections throughout the next four chapters. However, it is only in chapter nine, once several policy areas have been explained, that I will develop more detailed examples of intersections between three or more policy areas (e.g., refugee policy, job training, and civil status).

The intersections of policy in participants' lives were a major factor in their quality of life. At times, policies worked against each other, trapping participants in a limbo between policy areas. I spoke to some trans people who had been caught in a vicious policy cycle for over a decade. Every time they tried to make progress in one area, another policy held them back. For example, one woman had trouble finding emergency shelter because she had not yet had sex reassignment surgery. At the same time, she was unable to have sex reassignment surgery because she had nowhere to recover. In the worst case scenario, this limbo can last for years, trapping a trans person while straining their mental and physical health and increasing their frustration. In this kind of drawn out situation, their skills for dealing with policy deteriorate, worsening their situation.

Policy situation.

Because my critical/reflexive methodology has led to me examine both policy users' and government perspectives, I examine both sides of the policy encounters equation: participants' policy situations (the elements of people's lives that are policy relevant) and the policy contexts with which they come into contact (acts, regulations, programs, etc.). I studied trans people's points of contact with public policy by asking them about their lives, identifying the policy situations that came up, and later linking these situations to the appropriate policy contexts. I then problematised the latter in light of the former.

Interviews are a great way to get to know the policy situations in which someone finds themselves. As an interviewee recounts their principal quotidian activities, many points of contact with public policies emerge. The interview context allows the researcher to delve even

more deeply into the interviewee's relationship to policy because we can ask participants' specifically if they have come into contact with certain social or health services, or with government more generally. The interviewer has the opportunity to probe for further details about the policy situations that come up. As I noted, between 20 and 40 policy situations came up per interview I conducted. Specifically, a policy situation is a part of an interviewee's life relevant to or affected by a particular policy.

How did I identify policy situations? At times, they were quite obvious, because the participant would directly reference a policy or government. For example, one participant explained that they were in the process of getting a letter of support from a psychologist in order to apply for a legal name change from the Québec government. Another had recently met with their Ontario Works worker to discuss the services for which they were eligible. Yet another shared their opinions on human rights legislation. In these three cases, a point of contact was clearly visible. The related policy situations included what the participant did to save up money to pay the psychologist, the decision not to tell the Ontario Works worker that they were transgender, and what brought them to favour rights-based laws. But at times, policies' presence was subtler. For example, a participant explained that there were no beds available at a Montréal shelter the night before the interview. She did not make the link to policy in the interview, but I did later during analysis. The shelter was run by a community organisation that received funds from government, which impacted the number of beds. Many points of contact were not directly named by participants.

Researchers embarking on this kind of analysis must make two kinds of judgement calls. To push this analysis to its limit, one would need to identify the thousands of policies with which interviewees came into contact. For example, a participant told me that the day before the interview she had been enjoying time with her boyfriend in the Old Port of Montréal, and they had had to rush back to the metro to get the last subway of the day. Technically, she came into contact with urban planning policies that dictate road configurations, public transportation policies that determine metro schedules, and many others. I chose not to analyse this policy contact in much detail. I focused my attention and time on policy situations that were shared by several participants and/or caused significant problems in interviewees' lives. I did so because I share policy studies' concern for problems.

The second set of judgements is regarding where one policy situation ends and another begins. Policies often group together several rules. For example, it might seem obvious that we should group together elements that related to name changes and sex changes under the rubric of civil status. Some participants made both changes at once (after sex reassignment surgery, for example). But the rules surrounding process, eligibility, and cost are not the same for legal name and sex changes. An argument could be made to consider name and sex changes separately. Legal name and sex changes were some of the easiest policies to classify. In making these kinds of choices, I favoured including a higher number of policy encounters when analysing each interview individually (e.g., separating name and sex change as categories) and then grouping them together when comparing all of the interviews.

Reporting this kind of analysis also entails a judgement call: choosing how much detail to include about participants' lives. As participants told stories, answered questions, or made arguments, they shared a great deal of detail about the policy situations they were in: how they experienced policies (e.g., anxiety, frustration) and how policies affected them (e.g., being blocked from changing their legal sex). The next four chapters will offer a fair amount of detail when describing some of these situations.[49] Because many trans studies scholars build their perspective on trans issues through academic work, through this project I wanted to contribute to increasing the available "reality." I also had an ethical concern. When asked why they wanted to participate, interviewees answered that they wanted to get the word out about their situation to a larger audience. Third, offering a more detailed account gives a solid base for evaluation. Finally, giving detail can also bring to light trans diversity.

As diversity in this project is considered through relationships to policy, I will, contrary to convention in qualitative research, generally note the number of participants who had similar experiences. In the same line of thought, I will give specific examples to illustrate some of the different relationships that trans people can have to one single policy. I want to demonstrate that trans people are diverse beyond their genders or identities: chance encounters, lucky breaks, dispositions, skills, preferences, worldviews, and so forth. Often, I will use academic research or reports from think tanks and non-governmental organisations to contextualise trans people's experiences.

[49] I did omit some details to protect the confidentiality of participants.

Policy context.

Once I had identified participants' policy situations, I moved towards the policy contexts with which they come into contact—one of the most challenging parts of this dissertation research. At times, it was not possible to identify the exact policy that impacted interviewees. One barrier was my own knowledge of the policies they were addressing. Because the policies were not identified beforehand, it was not possible to be fully competent in each of the policies participants brought up in interviews. I did not always have the appropriate background with which to probe for maximum results. For example, a couple participants explained that the Immigration and Refugee Board of Canada had rejected their refugee claim, but that later they had gotten refugee status. I assumed that this was through appeal. But later, studying the policies in question, I realised that it could have been one of many things: by appeal, on humanitarian grounds, or through a pre-removal risk assessment (PRRA). This unfamiliarity is one of the limits of this project's design, and its strength was in its opposite: I did not assume what policies were important to people before meeting with them.

Generally, by combing through acts, regulations, and policy statements, it was possible to make the link between policy situations and contexts. The policy context is made up of directives, acts, government announcements, budgets, strategies, programs, initiatives, plans, and street-level bureaucrats' decisions. It is the government perspective. In presenting policy contexts throughout the next four chapters, I will offer a highly selective overview based on the experiences of participants. At the same time, I will attempt to give enough detail to properly situate interviewees' experiences. This will have the additional benefit of making the overview accessible to non-policy researchers, including trans studies scholars.

Starting from the official versions of policies, instead of using secondary sources, allows for a stronger argument to be made in regard to policies' limits. That way, one cannot be accused of basing oneself on straw man arguments. In addition, it was important for my analysis to have precise information on a series of policies in full evolution. Using the work of other academics, who would have done their own selective overview of potentially outdated policies, would have led to errors. Thus, in this section I examine laws, regulations, government funded or commissioned research, as well as reports from government agencies and think tanks that were

current at the time of writing. I will, however, use past research on street-level bureaucrats to give insight into their roles. I will also examine research that deals with trans people and housing, employment, migration, and trans-specific policies. Generally, this focus on primary policy sources will serve to distinguish my approach from a transness framing as well as other work in policy studies, making visible the contribution of policy encounters.

Finally, my analysis of policy contexts spans the years of the project: 2009 to 2014.[50] This covers the period in which I was doing fieldwork and allows me to examine the period directly before and after the interviews took place (interviews were from April to June 2012). Many important policy shifts occurred within this period, leading to one of the principal questions I ask in part two of the dissertation: has the policy landscape improved for trans people? To answer, I must first consider what makes it possible to evaluate (i.e., critique) a policy based on the experiences that 30 trans participants shared in interviews.

Problematising policy encounters.

Linking people's experiences to policy can be quite challenging. At the same time, it does provide an interesting base with which to evaluate or critique policy, by comparing the reality these policies promote to the lived experiences of participants. But should a policy be changed if it causes problems for a few interviewed trans people? Maybe. When we use these experiences as a basis to evaluate policy, we are confronted with the fact that trans people can have very different opinions on what policies changes would be beneficial. As policies impact trans people differently, any recommendation is bound to help some more than others. This is one of the many reasons overarching theories of domination cannot enact what constitutes justice once and for all. In this regard, I am more closely aligned with Latour than Bourdieu or Boltanski (see chapter one).

Following Majone (discussed in chapter 2), the subsequent analysis is meant to contribute in the process of argumentation. Because participants are not representative of all trans people and because the analysis is subject to my own frames, the recommendations made in the next four chapters should be taken as food for thought, rather than the final word. They remain ordinary

[50] In a few cases, I will give some updates about important policy shifts that occurred after these dates.

critique, in Boltanski's sense of the term. These critiques are nonetheless essential, as they compose knowledge for policymaking. In chapter four, I explained that one of the goals of policy ethnography was to model policy on the experiences of policy users. The critiques presented in the next four chapters are part of this work.

While creating knowledge for policymaking is important, I have set out to be an adviser to policy users. For this reason, I must ask not only if policies are getting better for trans people, but also what makes policy encounters successful. Moreover, I've incorporated Boltanski's insights into my critical/reflexive methodology: it is important to model the capacities of actors. Taking advantage of the proximity to trans perspectives created through fieldwork and interviews, I have developed a second layer for my analytical framework. It examines how people relate to policy.

Skills and strategies.

When reviewing some participants' stories in the section above on framing devices, I started to give a sense of how people relate to policy. For example, I compared how one woman with good interpersonal skills was able to incite the help of street-level bureaucrats, while another woman with bad interpersonal skills faced isolation. In this section, I will review three dimensions of the skills and strategies that could facilitate trans people's interactions with imperfect policies: interpersonal skills, interactional style, and information networks (see figure 5.2). They are part of the policy success puzzle. I will come back to these three sets throughout part two of the dissertation when explaining how trans people interact with various housing, social assistance, migration, and trans-specific policies.

Interpersonal skills.

There is a link between interpersonal skills and policy success. This is not to say that trans people with effective social skills are always successful, but it can at times ease a person's relationship to policies. While some of the people I interviewed were effective communicators that could

incite the empathy of their interlocutors, others had more difficulty. Trans people are not less socially apt than others. Even if they were, academics would be in no position to judge them for it. We are not exactly known for our people skills. I am coming from a place of respect in saying this. Some interviewees, who had faced decades of discrimination, isolation, and violence, had trouble explaining their situation coherently, did not follow social etiquette, or were quick to anger. Because many policy encounters involve street-level bureaucrats, these kinds of behaviours could affect the quality of the service trans people receive, especially if the behaviour is used as an excuse not to help someone because they are trans. It is not fair, but that is how it is. Other participants prided themselves on being able to work with caseworkers, social workers, police officers, and other bureaucrats. The services they managed to access demonstrated that they were highly skilled at navigating policy. Their quality of life improved in consequence. I was able to observe trans participants' social skills by the ways they interacted with me but also by the policy stories they told in interviews. Here I will address general communication skills, social norms and etiquette, expectations and attitude, and general social skills.

Trans studies scholars have devoted a great deal of attention to the ways that trans people narrate their lives. Stone's (1991) work, discussed in chapter three, argues that trans people have to omit certain aspects of their experience in order to fit a predetermined trans model. Experiences of narrative omission came up in interviews. For example, a genderqueer youth in Toronto was considering taking testosterone but did not intend on using it on a long-term basis. Should he visit a doctor to request a testosterone prescription, he was considering omitting this fact to increase the chance that the doctor would grant his request. Trans people must be able to explain themselves in ways that others can interpret as "trans." One participant did not know the term "transsexual" the first time he went before the refugee board. His refugee application was denied. Later, he learned about transsexuality, developed a way of communicating about himself using this language and was granted the status of a protected person. The ability to communicate also allowed him to undertake a physical and social transition, which he was quite happy about.

Training bureaucrats is a priority in community networks—and with reason. If bureaucrats are informed about trans realities, this lessens the burden on trans people to explain this aspect of their lives. But trans people must explain a great deal more than trans issues: why they should be transferred from one social housing unit to another, why they qualify for financial support, that they have just been assaulted, that they did not commit the crime for which they are

on trial, and so on. In each case, the ability to manage the interplay between expectations and reality, and to communicate in a coherent manner that can incite empathy from their interlocutor, are important skills.

Several barriers can make managing expectations and communicating difficult. Sometimes, it is a language barrier, as the case for many migrants. Barriers can also be regarding particular disabilities. One participant had had a brain injury that affected her memory and ability to concentrate. As a result, her explanations were confused and difficult to follow. Further, being stuck in a vicious policy cycle that isolates a trans person for extended periods of time can have a negative impact on their ability to communicate effectively.

Winning the favour of a street-level bureaucrat is also about social norms. First, it is true that gender presentation is an important factor. Participants explained that the way someone looks could impact their chances of getting into a shelter. The way they dress might convince a psychiatrist that they are ready for sex reassignment surgery. But social etiquette is another factor. One participant had difficulty with the give and take of conversation. She monopolised discussions and did not read social cues meant to end the exchange. I observed this in my interactions with her and through the stories she told in the interview. While staying at a crisis centre, she monopolised staff time. Eventually, she was told that she could only address her social worker. Another woman brought several frozen mice to a rent board hearing to prove that there was indeed an infestation in her apartment. This sort of action goes against expected social norms and certainly did not help her case. She was evicted. Missteps should not hinder a person's access to shelter or assistance, but they do. We live in a world of human interactions.

Attitudes and expectations also informed trans participants' ease in accessing or successfully using a policy. Some participants were frustrated by the policy process: waiting for a meeting with the *Commission des normes du travail*, for a legal aid lawyer, for a public psychiatrist to call back for a first consultation, for a name change application to be considered, for their sex reassignment surgery appointment, for social housing, or for their citizenship test appointment. Participants spent a great deal of time waiting. Marginalised populations in need of social assistance often have to wait even when they do not have the time, as past policy literature has repeatedly underlined (e.g., Dubois, 2010; Lipsky, 1983; Newman, 1999). Interviewees also dealt with a great deal of refusals: refusal of service from a *Centre de santé et de services sociaux* (CSSS) psychologist who would not deal with trans issues, of a severely limited capacity for

employment designation, at a shelter, at a refugee hearing, for employment training, and so on. Trans people's frustration might therefore translate into impatience and at times sharp or impolite replies to bureaucrats. Of course, front-line workers know this and many pride themselves on being able to look past such behaviour (see McDonald & Marston, 2005). But researchers have also found that bureaucrats' values and attitudes about appropriate behaviour play an important role in their decision-making (Keiser, 2010; McDonald & Marston, 2005; Riccucci, 2005).

Attitude is also linked to expectations. Bureaucrats do have a great deal of power, but they work within certain parameters: caseloads, rules regarding disability payments, wait times for housing. Their discretionary power is limited, and a lot is out of their control. Participants were not always aware of this, and they got angry with bureaucrats for not being more effective. If the participant's expectations do not match the street-level bureaucrat's discretionary power, their working relationship will be compromised.

Finally, general social skills are a part of the discussion of interpersonal relations. I met a few trans people who got bullied wherever they went. They experienced altercations on the street, in stores, in their apartment buildings or shelters, and in training classes. They were walking targets. Sometimes they seemed to experience a lot of harassment because they looked trans, were timid, had trouble interacting with others, had a disability, or perhaps were just perceived as being weak. Past research has emphasized the link between gender and violence. Namaste argues,

> Despite the variety of gender identities available in transgender networks, and despite the prevalence of transgendered people in other cultures, most people in Western societies assume that there are only two sexes (males and females) and two genders (men and women). For transsexual and/or transgendered people, this poses a significant problem: a person must choose the gender to which he/she belongs and behave accordingly. Because most people believe that there are only "men" and "women," transgendered people need to live as one or the other in order to avoid verbal and physical harassment. (2000, p. 144)

It is true that transgressing gender norms can lead to problems. Trans people face a great deal of violence because they are trans, and interviewees' lives were full of examples. But there was not an exact correlation between appearance or gendered behaviour and harassment. Another factor was social skills. Those with effective social skills could at times diffuse tense situations and prevent future incidents; those who were socially awkward could not. At times, it was not clear if

a participant was harassed for being trans or because they were perceived as weak. In, for example, a shelter setting, relative social skills made the difference between feeling safe and having to find an alternative place to sleep.

Above, I explained key components of trans people's interpersonal skills: general communication skills, social norms and etiquette, attitude and expectations, and general social skills. I now turn to a second component of skills and strategies: interactional styles.

Interactional styles.

People approach policy and potential policy problems differently. For example, some trans people avoid the health care system because they have faced discrimination in the past (see Namaste, 2000). Others reach out to every possible social service that could help them. Some accept defeat in the face of policy failures. Others take charge when they encounter an injustice. Some are autonomous, while others need guidance to navigate the policy field. For some, dealing with governmental red tape (forms, application processes, bureaucrats' mistakes) is annoying. For others, it is highly stressful. The ways trans people experience policy has a lot to do with their interactional style. Avoidance/confrontation, personal dispositions, level of autonomy, and strategy and problem-solving skills are all related to a policy user's interactional style.

One strategy is avoidance. One participant in particular, who believed in community-level anarchism, attempted to live outside of normal policies. She self-published a book and lived in a cooperative. Others selectively chose to avoid certain policies, when the process was too complicated or they risked losing certain benefits. For example, one participant did not inform *Emploi-Québec* when she lost her apartment. She did not want to lose the money she received from social assistance and knew that as a homeless person, she would need to provide a mailing address and a third-party worker. She had neither. Needing her medical card to purchase medications, she went to great lengths to access her old mailbox but did not succeed. At the time of the interview, she planned to tell *Emploi-Québec* that she had lost her card, hoping to intercept the replacement card in the mail. Another woman planned to access hormones without a prescription through the internet, because she thought it would be less of a hassle than going through regular channels:

Participant: Oh yes, I used to get hormones on the internet, I had a mailbox on the American side of the border, I used to sneak down, pick up my hormones and come back, just put them in my pocket and didn't say anything. But I have a prescription now for an androgen blocker, and also for estrogen.

Interviewer: Why did you go down to the States before, did you not have access to a prescription here?

Participant: At that time I did not, that was before I met [endocrinologist]. I had some kind of feeling that I could do it all by myself, it was foolish, *non*, I can't.

A couple participants lived in tents to avoid shelters. For one, who was part of the Occupy movement, living in a tent was a way to embody her ideals but also to avoid the difficulty of finding an available bed in a shelter. For the other, it was to be able to seek relief from pain associated with a hernia during the day.

Finally, avoidance was sometimes related to what participants were willing to tell bureaucrats. One participant did not want to tell his Ontario Works worker that he was transgender, so as to avoid the possibility of services being cut. Trans people in this study avoided policies on principle, because they thought they could do better on their own, or to try to keep a benefit that they risked losing.

Another interactional style was confrontation. One participant had several complaints before the *Commission des droits de la personne et des droits de la jeunesse*, sent many letters of formal notice, and made complaints to the tenant board. Another participant set up meetings with various bureaucrats and politicians when she was unable to change her legal sex without surgeries.[51] She tried to convince them to recognise that transphobia was preventing her from working and that civil status rules played a big part in this. She was convincing, but taking on these issues is a large task. These two participants were more or less effective, but others had more luck. One trans man, who spent 25 years in prison, was over the course of several years able to win the right to take hormones, access men's clothing and toiletries, and have prison staff call him by his male name. When another participant suffered a heart attack, the convalescence centre administrators hesitated to let her recover there because she was transgender. Learning more about her and her place in the community convinced them to let her stay (she had a reputation for

[51] This policy has since changed (see chapter nine).

being able to defend herself). She took advantage of her time there to educate the staff. Both confrontation and avoidance can work in some cases and not in others, depending on the context, as well as the skills of the participant.

Next, trans people's personal disposition towards policy affects their policy success. For some participants, just the thought of entering an immigration review board office or filling out a form was a source of anxiety. Others were more confident and comfortable dealing with government. Participants in Ontario who received social assistance with a special diet allowance were in the process of re-applying at the time of interviews. While one person saw it as yet another administrative hurdle, another was worried that the allowance might be taken away from her. She needed the money to pay for food.

Next, participants had different levels of autonomy when dealing with policy. While some were independent, others needed guidance. In both cases, community leaders and social workers were important sources of information and support, but their role was different depending on the individual. These same community leaders and social workers had a role in helping trans people become more autonomous. One woman received support from a social worker to become more independent and was soon going to try living without her help for a few months. The thought was both anxiety producing and exciting. Another participant could call her social worker whenever she needed support. The availability of this service allowed her to live independently.

Avoidance or confrontation, personal disposition, and level of autonomy are important parts of trans people's interaction style when it comes to policy. A further factor is their ability to strategise and problem-solve. One of the most important strategies taken on by participants was to get to know the policy system as much as possible and thus increase their effectiveness in dealing with policies. For example, trans people who had to deal with extreme poverty induced by insufficient social assistance funds would get to know the system and apply for all assistance benefits for which they might be eligible. This strategy required good information networks as well as the ability to process and apply the information they received.

Information networks.

Participants turned to a variety of sources for policy-relevant information. Many learned about issues, including trans issues, through the media. Television sitcoms with trans characters, interviews with trans people on the radio, and news stories about trans issues are a few examples. These instances were at times good opportunities for participants to approach trans topics with family or friends. Participants also formed political opinions based on what they heard, saw, or read in news and entertainment media. The internet was another source of information. Specifically, participants used it to find out about policy procedures like name changes, what services were available, and also what kind of health treatments existed (e.g., different kinds of surgeries and hormones). The three biggest sources of information for participants, however, were people who had lived through similar situations, community organisations, and street-level bureaucrats.

Many participants got their policy advice from other trans people or people in similar situations as themselves. They also got information from those working in trans and non-trans community organisations. Trans people share information about which doctors are more receptive, what is expected from them, what health services or treatment are available, and the legal requirements for name change. Many participants living on social assistance got information from others on where to get food, do laundry, or get support. For instance, I witnessed one woman receiving advice from a community worker at The 519 on which shelters were most welcoming to trans people.

Word of mouth is a powerful policy tool. It highlights the role of stories. A couple participants told me about the horror stories they had heard about the Centre for Addiction and Mental Health (CAMH) refusing access to sex reassignment surgeries for trans people who were not heterosexuals or did not fit a particular gender stereotype. One bisexual participant with whom I spoke had had no problem with CAMH in this regard, suggesting that the policy had been changed, but the impact of the stories was long lasting. Looking at the importance of policy knowledge also highlights the crucial role played by community organisations and peer education programs. The right piece of information, at the right time, can make all the difference.

In addition, participants got a great deal of information from street-level bureaucrats—social workers in particular. Here, social workers deserve special mention. Many of the trans

people I interviewed had a social worker who helped these participants find the information they needed. The social workers' experiences in navigating policy also benefitted interviewees by helping them access the services they needed like subsidised housing. Community workers were also vital for interviewees. Many participants told me about community workers who made a significant impact in their lives. These community workers were trustworthy, knowledgeable, and helped interviewees assess policy information.

Trans people who were isolated or had trouble with interpersonal relations faced an added barrier to quality information. But even for those who were not isolated, getting to know policies was not easy. Policy analysts spend a great deal of time getting to know policy, and yet in our lives, we still make mistakes. I made several during interviews, as did participants. Some mistakes were not critical, but others had a great impact on participants' lives. At times, participants confused the roles of different governments, or the difference between government and community organisations (and their respective responsibilities and powers). While the consequences of these errors were not too dire, at times the wrong information had negative consequences. A law student informed one participant that she had to wait five years in Québec to change her name. The law student provided the actual law, but not the informal policy that allowed transsexuals to change their name after only one year (this practice was confirmed by several community workers and participant experiences; see also Ezra, 2011).

Many mistakes occurred due to errors circulating in trans networks. Trans people thinking they cannot travel by plane or that they are not protected by human rights are two examples that will be discussed in future chapters. These are misinterpretations of policies and their implementation, but at times the mistakes were due to the fast-changing nature of policies. One participant had heard that sex reassignment surgery had been delisted in Ontario. While it is true that surgeries were not funded by the provincial government between 1998 and 2008, they are today available to those who get approval (Ministry of Health and Long-Term Care, 2008, June 20). Another participant was informed by other trans men in Québec that phalloplasty was required to change one's legal sex. There have been times when trans men were blocked from changing their sex designation marker unless they had this surgery (see Namaste, 2000), but this is no longer the case. Further complicating matters is the fact that the surgeries that are required seem to depend on the bureaucrats who make the determination. One interviewee reported that some trans men in Québec could change their sex designation without a mastectomy, while

others could not. Namaste already identified inconsistencies in this policy implementation in the 1990s and my interviewees' experiences showed that this situation had yet to be resolved.

At times, mistakes were corrected when the participant came across someone who could correct the information they had. A doctor told the woman in Ontario that surgeries were now funded by government. A community worker told the woman in Montréal that trans people can change their name after one year. Making sure that street-level bureaucrats have the most up-to-date information is thus important. And giving community organisations the power to develop information networks is also crucial. But no matter how well-trained street-level bureaucrats are, trans people are bound to encounter conflicting information. Their ability to find and assess information is paramount.

I have now given an overview of interpersonal skills, interactional styles, and information networks. Below is a table to summarise some of the key dimensions that I will return to in the next four chapters.

Table 5.1. Skills and Strategies

Interpersonal skills	**Interactional styles**	**Information networks**
- Communication skills - Social norms and etiquette - Attitude and expectations - General social skills	- Avoidance/confrontation - Personal disposition - Level of autonomy - Strategising and problem-solving	- Finding sources and information - Evaluation of information

I have now reviewed the policy encounters framing. Policy encounters have two dimensions: contact (direct and indirect) and policy intersections. This object also extends to two related notions, policy situations and policy contexts, which serve to include policy users' and government perspectives respectively. Within this framing, people's experiences of policy are used as tools of critique. Finally, the policy encounters framing can examine how people relate to policy (their skills and strategies): interpersonal skills, interactional styles, and information networks.

The next four chapters will come back to each of the above elements to show why they matter and how they contribute to an understanding of trans people's relationship to policy. I will also compare the policy encounters framing with the transness framing to show that my

critical/reflexive methodology increases the breadth and depth of content, multiplies the points of evaluation, and recontextualises political priorities. All in all, the policy encounters framing is more apt than the transness framing for examining the relationship between trans people's lives and policy.

The following chapters will also show that although there has been progress made with trans-specific policies, housing, social assistance, and migration have gotten worse. Key points regarding these include the following:

- Many trans people will at one time or another face a precarious housing situation. Meanwhile, social housing funding is being cut at an alarming rate, shelters often run at maximum capacity, and those on waiting lists for social housing outnumber those in social housing units.
- Many participants rely on social assistance geared at the unemployed, disabled persons, or seniors. One chapter will document their struggles to access basic needs such as shelter and food with the funds offered by government as well as the effects on their health and ability to integrate into society.
- Many of the participants had migrated from another country; most of them went through the refugee process. There have been significant policy shifts over the past five years that have reduced the number of people who can make successful refugee claims. As a result, researchers in Canada are likely to encounter fewer trans people who have arrived as refugees in the future.
- Trans-specific policies (civil status and human rights) have received a great deal of attention on the part of governments in the past five years. While some important limitations still exist, globally things have improved, facilitating access to civil status changes, trans-specific health care, and recognition of trans human rights.

Have things gotten better for trans people? Looking at gender policies and gendered aspects of policies, one might be tempted to say yes. But the following chapters will show that despite improvements to trans-specific policies, I can assert that regarding social housing, social assistance, migration, and trans-specific policies, we have taken one step forward but three steps back.

Chapter Six – Housing

The contributions of a policy encounters framing for policy studies are straightforward. Policy encounters make room for both government and policy users' perspectives. What is more, starting from policy users' points of view, to counter the current government bias in the field, changes the kinds of knowledge that are pursued. First, it determines which policies will be studied. In this case, it has meant looking at four policy areas—housing, social assistance, migration, trans specific—instead of one. In addition, starting from policy users' experiences makes visible dimensions of policy encounters that have generally been ignored. In this chapter, the distinction between direct and indirect encounters is brought to the fore. Furthermore, policy users' perspectives offer a sense of the skills and strategies they develop in order to manage policy, and sets the stage for assessing policy success based on people's experiences of policies instead of the objectives of policymakers.

Some of policy encounters' contributions to trans studies are more subtle and will require careful elaboration. It is easier to describe the transness framing and its borders than it is to learn to think differently. The following chapters are aimed at readers who have been exposed to the transness framing's elements—its categories and how they relate to one another—and have learned to think through them. Each chapter serves to challenge past thinking patterns and to propose something new. At the same time, these chapters touch on many important trans experiences of policy that do not generally get attention. The critical/reflexive methodological framing of the project opened these terrains. Participants could feel the difference and a few pointed this out to me at the end of the interview. I was not asking the kinds of questions they were used to being asked. I was inquiring about their perspectives (ethnographic sensibility) on policy encounters, not their transness. By challenging past thinking patterns and describing a different kind of issue set, these chapters work at the levels of both form and content. They intervene at the level of form by comparing a transness framing and a policy encounters framing and by drawing the attention of readers to framing elements. At the content level, they contribute to the breadth and depth of discussions about trans people and policy.

This chapter looks at housing, which was a central theme in many interviews. It begins with a general look at the policy situations of 30 trans interviewees. They were each in one of four housing circumstances: stable, slum apartment cycle, social housing, or homelessness. It is important to start with this overall picture to point out that not all trans people have housing problems. Many trans people lead privileged lives, a fact that gets lost when focusing solely on the challenges they face. This being said, these chapters generally follow in the tradition of policy studies, that is, they are problem oriented. Such a focal point is appropriate for this project, but it would become disastrous if a policy encounters framing was the only way in which we studied trans people. I will be making a strong argument for the policy encounters framing over the course of these four chapters, but my intent is not for this framing to take over the study of trans people. Ultimately my argument is that scholars should be able the gauge the needs of their project while keeping an eye on the big picture—a balance that can be accomplished through a collective project of critique and reflexivity, which compares perspectives in order to find a balance at the field level.

The general review of trans people's housing policy situations serves a second purpose. It gives readers a sense of the numerous policies participants interacted with, from mortgages to social housing. Starting from these experiences in order to identify the policies to be studied distinguishes this project from mainstream policy studies. I did not start from the government's definition of affordable housing. Unlike what Yanow might have done, I did not begin by examining the spaces of these government-defined policies. Nor did I begin by developing relationships with workers in government housing offices, as a Dubois-inspired approach might do. In fact, I would not have addressed this area at all had participants not discussed problems with housing.

Interviewees did have problems in their housing policy encounters, and especially with social housing and shelters. These issues were prevalent during fieldwork in marginality-framing trans network spaces, where community leaders and trans peers worked hard to find shelter for homeless trans people, especially homeless trans women. But interviewees recruited from both marginality and transness framing locales experienced being underhoused. The importance of the issue prompted me to start with the housing chapter, instead of the one on trans-specific policies. In contrast, a transness framing piece would start with the policies closest to transness (e.g., Taylor, 2007, reviewed in chapter three).

For a policy encounters framing to work, it must balance policy users' experiences and government perspectives. Had I relied solely on participants' experiences, it would not have been possible to say something about policy (which is one of the goals of policy studies). Neysmith et al.'s (2005) work, discussed in chapter two, is a perfect example. The authors interviewed people about their experiences of neoliberal policies, but did not ground this work in an understanding of policy. Policy users have a lot of know-how when it comes to policy encounters, but they often know little about the policies themselves. For this knowledge, it is crucial to look at the policy context. Here, I review the history of social housing programs in Ontario and Québec as well as each province's approach to shelters.

This chapter also contains a brief interlude reviewing scholarship about trans people and housing. Within academic work on trans people, social housing has not received much attention. Meanwhile, shelters have been a touchstone issue. Regardless, my project takes a different approach than does the transness framing. Trans studies scholars (as well as other scholars looking at trans people) easily recognise that housing is a problematic issue for many trans people, but there is not much work that goes beyond simply naming housing as a problem. The work that does discuss homelessness and policy follows the transness framing presented in chapter three, examining problems faced by trans people due to their gender. When this literature examines housing policy, it examines gender-related aspects of housing policies and programs.

To be sure, interviewees faced problems because they were trans, and I will discuss discrimination and transphobia. But by examining both policy situations and contexts to understand policy encounters, my approach gives a more complex view. In interviews, the two main challenges that came up in relation to social housing were, first, getting a social housing unit, and second, problems while living in social housing. The most important factor affecting access was the availability of housing units. The aging housing stock coupled with funding cuts limited the number of available units. Even people who qualify for social housing have difficulty accessing it. In both provinces, participants had to wait years for social housing, leaving them in a vulnerable position. Once in social housing units, interviewees did at times face the transphobia of other tenants along with other interpersonal problems. But there were many other issues of import too. Some participants were placed in neighbourhoods far away from their community, in neighbourhoods they perceived as being unsafe, or in a building that was not adapted to their

needs. Others lived in old buildings in need of repair. Several also questioned if they belonged in the type of social housing unit in which they found themselves.

Because trans people often experience a precarious housing situation, many need emergency shelter at one time or another. Several trans women who I interviewed discussed emergency shelter. Shelters get more attention than social housing in the literature, which might have to do with the fact that shelters are easily understood in terms of identity. Whether trans women should have access to women-only spaces is a question that is asked over and over again in various contexts and at various scales: dyke marches, feminist organising meetings, washrooms, change rooms, prisons, drop-ins, and shelters. The question that guides reflections within this framing is: Are trans women really women? (see Namaste & Sitara 2011[2005] for an explanation of how this line of questioning shapes the way trans women's access is conceived).

As shelters have received attention, this area makes a great case study to compare the transness framing and my own approach. I argue the transness framing that makes these situations intelligible also functions to limit our ability to effect social change. It closes the discussion to the plurality of factors that affect trans women's access. Toronto has a trans-specific shelter policy. From a transness framing perspective, this is a perfect solution, as it guarantees shelter access to trans people. Yet, trans women still have trouble finding emergency shelter in Toronto. Although shelter policies directed at trans people are important, other factors are equally, if not more so. Trans people must have the right information about the shelter system (information network) and the capacity to navigate this field, including the interpersonal skills to deal with staff and other residents. In addition, when government funding is inadequate, shelter beds shortages can exacerbate an already difficult situation.

Together, the three main sections of this chapter will challenge old thinking patterns and explore new terrain. The first section gives a general overview of trans people's housing situations. After a brief review of the literature, the second section examines social housing, a topic that has received too little attention from trans studies scholars. It argues the biggest problem trans people face has to do with not the fact they are trans but rather the low priority assigned to social housing in Canada. The third section will investigate shelter access, in an attempt to trouble assumptions about why trans women are denied entry.

Housing Policy Situations

A policy situation consists of those aspects of life that are relevant for policy. Here I give a general review of trans people's policy situations, but I provide further details when reviewing trans people and policy encounters with social housing and emergency shelters. The trans people I spoke with were in one of four types of housing situations: stable, slum apartment, social housing, or homelessness. How participants interacted with related policies depended on their personal situation as well as the other areas of policy with which housing intersects (policy intersections).

First, not all interviewees were in a precarious housing position. Eight participants, or almost a third, were at the time of the interview in a stable housing situation. Two people owned their home. One of these participants, who at the time of the interview was self-employed, worried about how she would pay her mortgage should she be more open with her clients about being transsexual. A third participant was looking to soon buy a house. The others had stable renting situations. One of these participants, who had been on a waiting list for social housing for three years, worried that her rent might increase while she was on a fixed income. She received at the time $896 in disability benefits per month from the Québec government, and her rent was about to increase from $500 to $510 per month. Some participants lived in cheap apartments or rooms, which was in some cases a temporary concession until their financial situation improved. One woman, for example, rented a room over a bar with the help of an $80 per month rent allocation from the Québec government (in addition to the social assistance she received). She noted that sharing the common spaces in the apartment with another tenant and living with the noise from the bar were acceptable for now, but she looked forward to being able to afford a quieter location. To summarise, eight trans people with whom I spoke had stable housing, but this does not mean they avoided policy problems or that housing policy was not important in their lives.

At least six participants were stuck in a slum apartment cycle. They moved frequently between rooms or cheap apartments and faced problems that stem from substandard or unsafe dwellings: bedbugs or other insects/rodents, multiple roommates (sometimes as many as five or six), difficult owners, and other tenants. Their situations were precarious and at risk of shifting

into homelessness. Forced to leave an apartment with a bedbug infestation, one participant found herself homeless. A second participant was evicted when she withheld rent due to a mouse infestation. Unable to find another apartment, she also found herself homeless. Another participant was attacked by a fellow tenant. Police were called but refused to intervene. Feeling unsafe, she left the building and stayed in a shelter until she got word that her aggressor had moved out. A fifth participant was going to move back in with her parents in order to heal after sex reassignment surgery. The general state of her apartment and the fact that she shared the space with five other people would have compromised her convalescence. Finally, a couple of participants in this slum cycle mentioned they felt that their landlord discriminated against them for being trans. This discrimination was insidious and impossible to prove. It ranged from being made to feel unwelcome to being forced out under false pretences. In the latter case, participants had to find another affordable apartment as quickly as possible, continuing the cycle of slum apartments.

A third set of participants lived in subsidised housing. In both Montréal and Toronto, there are social housing units run either by the municipalities, non-profit organisations, or the private sector, for which there can be a long wait time—it is not unusual for it to take several years to get an apartment. None of the participants from Montréal were currently in government-run housing units, but three were on the waiting list. One of these women had been waiting three years, and in that time, she went from being #136 to #96 on the list. In Toronto, one participant had waited seven-and-a-half years before being given a unit.

In total, six participants had managed to obtain a government-run subsidised apartment in Toronto, most with the help of a community outreach worker or staff at Toronto Housing. For many, having a subsidised apartment meant that their housing situation had stabilised, and some had been in their apartments for over a decade. This being said, some participants still faced similar challenges to those in slum apartments: bug infestations, substandard or unsafe conditions, and violent neighbours. A couple of these participants had applied successfully for transfers to better buildings, with the help of an outreach worker.

Nine other interviewees in Montréal and Toronto lived in subsidised housing units run by a community organisation with money from government. One participant lived in a housing co-operative. Other participants lived in buildings that cater to particular groups. For example, a couple participants were or had been in short- and medium-term housing for people living with

HIV (one in Montréal and one in Toronto). Others were in apartments for people with mental health issues, people with disabilities, drug users, or the elderly (six in total).

In sum, 16 participants interacted with social housing. They were either in the process of getting a social housing unit or were already living in one. The wait period, in cases where it was discussed, ranged from two to seven-and-a-half years. Overall, those who managed to access social housing saw their situation stabilise, although some still faced challenges or questioned if they were in the most appropriate kind of social housing.

The fourth set of participants included trans people in unstable or temporary housing situations. Unfortunately, this was the case for quite a few people. At least eight, or about a third of the interviewees, were currently or had recently been in such a situation. They stayed with family, in the hospital, at a crisis centre, in jail, in prison, at an early release transition house, or in shelters. Alternatively, they were without shelter, sleeping on a park bench or in a tent either in an abandoned area or on the outskirts of the city. This group of interviewees tended to move around frequently and spend a great deal of time trying to find shelter. One participant in Montréal described navigating the system:

> *C'est pareil comme des centres de crise, j'ai été une fois, encore là, la seule fois qu'on t'admet dans ces centres-là c'est quand tu es sur le bord du suicide, avant on te réfère aux autres services, tu n'es pas assez urgent, si tu passes déjà à l'acte, ben appelle le 911. C'est comme les services sont tellement divisés et ça se garroche la balle de l'un à l'autre.* [...] *Comme les maisons de crise, on t'accueillit là pour quatre-cinq jours, peut-être plus, tout dépendamment des personnes dans le centre de crise qui considèrent que oui ou non ce serait bon pour toi quelques jours de plus. Ok c'est une maison de crise, c'est temporaire, mais t'en connais-tu beaucoup de monde toi qui sont sur le bord du suicide et que ça prend juste quatre-cinq jours pour s'en remettre? C'est insensé ça là. Quand je suis sortie de ce centre de crise, et je n'avais pas de place à aller, j'ai été chanceuse que mon neveu et son coloc, qui est le coloc principal, ils m'ont accueilli, alors il fallait que j'aille à* [Montréal suburb] *parce que je ne pouvais pas aller dans un autre centre, soit qu'il n'y avait pas de place, même si on pouvait me prendre, soit que bien sûr c'était plein et comme d'habitude il faut appeler à tous les*

jours pour voir s'il y a de la place qui se libère pour l'accueil de nuit, pas facile à faire avec deux valises et plusieurs sacs de bagages avec toé.

The woman touches on three interrelated issues here: the division of services, the availability of emergency housing, and the appropriateness of services for those in crisis.

Specific issues faced by underhoused participants depended on their exact policy situation. Those with temporary situations worried about the next steps. Those without shelter worried about the outdoor elements and about being removed by police from where they slept. As a whole, this group was likely to see their housing situation conflict with other aspects of life. They all struggled to access food as well as health and social services (including housing support). Those attempting to access shelters faced several barriers, which are discussed with other policy problems in the section on emergency shelters.

It is useful to remember that many participants had had various kinds of housing experiences. People move in all directions between stable housing, slum apartments, subsidised housing, precarious housing situations, and homelessness. To begin to understand this process, but also issues participants faced more generally, we have to look at the housing policy context in Canada. But first, it is worth looking at what past scholarship has had to say about trans people and housing.

(Interlude) Past Literature

Scholarship about trans people and housing tends to examine three kinds of issues: anti-trans discrimination in housing, especially on the part of landlords and tenants (e.g., Esses, 2008–2009); anti-trans discrimination and rejection that leads to homelessness, such as parents who reject their children or employment discrimination (e.g., Bender-Baird, 2011; Graham, 2014); and the effects of homelessness such as health problems (Spicer, 2010). Throughout this work, a familiar logic is used. The following quotation follows the argumentation of Mottet and Ohle (2006). It is often cited by others discussing trans homelessness and housing issues. The article is based on the findings of the Transgender Civil Rights Project run out of the National Gay and Lesbian Task Force Policy Institute in the United States. The authors explain,

> Transgender people are disproportionately represented in the homeless population because of the frequent discrimination they face at home, in school, and on the job . . . .
>
> Transgender people frequently lose their jobs when employers learn of their transgender status and have difficulty concealing their identity from potential employers or finding employment as openly transgender, leading to chronic underemployment. It is not uncommon for transgender youth to be harassed to such an extent that they are essentially forced out of school. Many are then unable to acquire a job because of a lack of education. Additionally, regardless of financial situation, transgender individuals face difficulties in maintaining access to housing. A transgender person may be rejected by family members and even kicked out of the family home, losing the primary safety net many people utilize during hard times. Some transgender youth, prohibited from living and dressing as their chosen gender identity, choose to leave home. Transgender people teetering on the brink of poverty may be pushed into homelessness due to discrimination from housing providers and landlords. (p. 82)

Trans people become homeless because of anti-trans discrimination. It may be the direct cause, as when landlords and housing providers refuse them services, or an indirect cause, when they face discrimination in the workplace. While this argument does not foreclose the possibility that trans people might have housing issues beyond their transness, it is silent on the matter. All in all, the above quotation is an example of a well-established pattern. Here are a few more quotations featuring a similar logic:

> Homelessness disproportionately affects the transgender population for many reasons. Sexual and gender minorities are often rejected by their families and peers and marginalized in our society, leading to increased risks of unemployment and homelessness. (Spicer, Schwartz, & Barber, 2010, p. 267)

> Transgendered people often face severe discrimination when we try to find a place to live. (Currah & Minter, 2000, p. 61)

> From a policy perspective, transgender people face an array of challenges in everyday life. From finding housing to accessing social services to denial of employment, many policies systematically discriminate based on gender status. (Colvin, 2007, p. 342)[52]

> In large part due to family rejection or abuse, many transgender and gender-nonconforming young people are homeless. (Graham, 2014, p. 283)

> Societal preconceptions of a rigid binary system in which gender matches anatomical sex are deeply engrained. Transgender individuals, who blur these sharp lines of gender and sex, face discrimination in virtually every aspect of their lives. This discrimination is relentless and widespread, manifesting itself in social interactions, employment, housing, and even acts of overt violence.
>
> The right to return each day to a home that feels safe and warm, to a haven that shelters you from the harsh realities of life, is a right that should be afforded to all members of our society. Unfortunately, for many of this nation's transgendered individuals, this right remains both unprotected and unavailable. (Esses, 2008–2009, pp. 465–66)

If the above seems repetitive, then I have made my point. This is not to say trans people do not face the problems named in these quotations. But, over time, the silences become engrained in our way of thinking. I've taken up a critical/reflexive approach to reach these dead zones.

The importance of such work is not merely theoretical. The above logic has concrete effects on proposed policy solutions, which tend to relate to rights, anti-discrimination protection, or acceptance policies. Our solutions can only be as strong as our analysis. Esses (2008–2009), whose solution is anti-discrimination protection, is particularly interesting. She expands on two main dimensions of housing discrimination. First, trans people are discriminated against—for being trans—when trying to access housing. Second, trans people are discriminated against—for being trans—within housing. This is a similar distinction to the one I made above when explaining that the two main concerns faced by participants in terms of social housing were

[52] This article does not deal substantially with housing, but I have included it to show the policy/administrative studies perspective.

accessing housing and within housing. But my approach allows for a wider perspective. My discussion of problems includes, but is not limited to, anti-trans discrimination. One reason is that my ethnographic sensibility during research and interviews meant I was open to considering what participants had to say about other aspects of their lives.

Many participants were underhoused or facing a precarious housing situation. In a broader Canadian context, according to Statistics Canada's *National Household Survey*, 3.3 million Canadian households in Canada (25.2%) spend more than 30% of their net household income on shelter (2011). This indicator (30% of net income) is a good measure of housing precariousness; those who spend more are at a higher risk of losing their homes. Although the exact size of the homeless population in Canada is unknown, the Homelessness Partnering Strategy's *The National Shelter Study* (Segaert, 2012) estimates that on average 150,000 people use shelters per year (number of users, not uses). This does not account for those who are unsheltered (like the participants living in tents), or those in temporary lodging (like the participant living with her nephew).

The trans literature is correct in saying that trans people, especially trans women and youth, face high levels of homelessness and housing precarity. My work found the same thing. But despite a correlation between being trans and homelessness, direct causation is not always the relationship. The lives of the trans people I spoke with were complex, and so were the reasons they were underhoused. In many cases, it was not possible to know exactly why or how they became homeless. Many factors and combinations of factors played a role. Trans people are more likely to become underhoused when their parents or caregivers no longer support them. But participants' experiences showed that this lack of support could be attributed to parents' economic hardship or the death of a family member as much as to transphobia and rejection. And although a lack of stable employment was a contributing factor to several participants' precarious housing situations, hurdles to employment included physical and mental health issues or disabilities, anti-trans discrimination as well as language barriers and unrecognised diplomas. Even if transphobia was eliminated, there would still be homeless trans people.

Social Housing

Policy context.

The policy context includes the laws, regulations, programs, and decisions with which trans participants interacted. When discussing social assistance in the next chapter, I centre on current programming (what is offered) to explain trans people's experiences. But to understand why so many trans people are waiting for social housing or why social housing units are in need of repair, one has to take a longitudinal view. In both cases, housing and social assistance, my choice to examine current services or the evolution of programs is guided by participants' perspectives, and specifically, the policy situations they described in interviews.

Participants' housing encounters are informed by both direct and indirect forms of contact with policy (the reader will remember that this is a dimension of policy encounters). The current social housing stock landscape is the result of multiple policy layers introduced since the 1960s. When a trans person moves into a social housing unit, they are interacting with past and current policies: the program that financed its construction thirty or forty years ago, the funds allocated to renovations throughout the building's life, and current management and allocation policies.

The heyday of social housing was in the 1970s and 1980s, after which the federal government became more reluctant to make long-term investment commitments. Indeed, Canada has not had a long-term social housing plan since 1993 and currently has a patchwork funding system. Specifically, the period between 2009 and 2014 can be understood by reviewing the Conservative government's *Canada Economic Action Plan*, first detailed in the 2009 budget and renewed in subsequent budgets (Canada. Dept. of Finance, 2009, 2010, 2011, 2012, 2013, 2014).[53] This plan calls for investments in construction to stimulate the economy, making housing one of its central features. Below, I trace the evolution of social housing from its heyday to the current patchwork system.

[53] The plan was first announced in 2008 but it was only in the 2009 budget that monies were officially allocated.

The heyday of social housing.

The *National Housing Act* (1985) (NHA)[54] was first introduced in 1938 to meet the needs of urbanisation and the post-war boom, and the Canada Mortgage and Housing Corporation (CMHC) was incorporated to run all federal housing programs. The CMHC helped create 12,000 public housing units between 1949 and 1964 (Cole, 2008). In 1964, the NHA was expanded to include social housing (CMHC, 2011a; Rose, 1980). The majority of the current social housing stock was developed in the 1970s and 1980s under the stewardship of Trudeau, which coincides with the rapid expansion of government in the same years (see chapter two). The federal government took on a leadership role in social housing by creating massive investment programs. There were two phases of long-term commitment to social housing projects. During the first phase, 1964 to 1978, the CMHC was empowered to offer 90% capital loans at a fixed rate with an amortisation period of 50 years. The federal government committed to paying 50% of the housing project's operating costs for the same 50-year period (CMHC, 2011a). During the second phase, 1979 to 1993, loans were provided by private lenders and guaranteed by government. These loans were for a maximum amortisation period of 35 years, and the government committed to paying operating cost for the same period. In sum, from 1964 to 1978, the government entered 50-year agreements, but from 1979 to 1993, the government entered 35-year agreements. Over 500,000 units were added to the Canadian social housing stock during this period (CMHC, 1992).

Ontario and Québec had to adapt to federal policy shifts in order to access federal funds. They created crown corporations in order to facilitate federal loans. In 1964, the Ontarian government created the Ontario Housing Corporation (OHC) (Rose, 1980). But even before this, Toronto was a leader in social housing. Regent Park, the first large-scale social housing project in Canada, was an initiative of Toronto Metropolitan in 1947 (Rose, 1980). In the 1960s, Québec municipalities started to organise social housing projects with the help of federal funds (e.g., Îlots St-Martin housing in Montréal) (OMHM, 2011; SHQ, 1992). The *Société d'habitation Québec* (SHQ) was incorporated in 1967 to facilitate these loans. The same law that incorporated the SHQ called for the creation of municipal housing offices, and two years later the *Office municipal d'habitation Montréal* (OMHM) was created.

[54] There is parallel legislation at the provincial level (*Housing Development Act* 1990; *Loi sur la Société d'habitation du Québec L.R.Q., chapitre S-8*).

The 1970s were particularly prolific years in all spheres of government. The federal government created several housing programs in 1973 (see Rose, 1980; CMHC, 2001, 2011a; Anderson, 1992; Cole, 2008). With the Rent Supplement Program, units in apartment buildings owned by non-profits or the private sector were converted to geared-to-income rent. The government paid the difference between the rent and the market value of the unit to the owner (CMHC, 2011a). New programs encouraged non-profit organisations (charities, co-operatives run by the tenants, and municipally owned co-operatives) to develop housing projects. The Residential Rehabilitation Assistance Program (RRAP) was the first program to help low and moderate income homeowners and landlords make necessary renovations (like repairing roofs) through low-interest loans and subsidies. Together, long-term loans and the above programs shaped social housing in Canada.

If provinces wanted monies from the federal government to be spent in their province, they had to cost-share certain initiatives; thus, they needed to create parallel programs. In Ontario, these included an assisted rental (social housing) program for families and seniors, a community-sponsored housing program (social housing run by non-profits), and the Ontario Home Renewal Program.

At the beginning of the 1970s, there were fewer per capita social housing units in Québec than in Ontario (Groupe de travail sur l'habitation, 1976; Rose, 1980). Many factors may have contributed to this. First, the SHQ was only incorporated in 1967. Second, the provincial portion of cost-sharing programs may have been lower due to the economic state of the province at the time (Groupe de travail sur l'habitation, 1975). Third, the SHQ relied on municipal leadership; however, municipalities did not have the power or financial capabilities to take on this role (Groupe de travail sur l'habitation, 1976). In 1975, the SHQ's mandate shifted from loan provision to programming (SHQ, 1992). Over the course of the next decade, the SHQ put into place many of the same programs as elsewhere: rent supplements, renovation aid, and programs to promote non-profit and cooperative housing. They also introduced the first rent allocation program, where a monthly sum is given to low-income households who do not receive any other form of housing assistance to help pay for shelter (see SHQ, 1992, for a description of these programs). Rent allocations are particular to Québec and do not exist in Ontario.

Shifting values.

From the mid-1980s to the end of the 1990s, support for social housing dropped. Governments aimed to reduce spending and looked for ways to decrease their responsibilities. In the mid-1980s, the federal government started to enter fewer long-term agreements. As of 1986, non-profits and other projects receiving other government subsidies were no longer eligible for RRAP (CMHC, 2001), reducing their ability to renovate their buildings. The government also set the stage for downloading social housing to provinces, by allowing provinces to take over the federally owned social housing stock, excluding on First Nations reserves. The Québec government was quick to take advantage of this opportunity. As I will explain later, they did not adopt the same housing philosophy as other governments during the 1990s.

Also in 1986, the federal government established *core housing needs* (CMHC, 2001, 2011a). This indicator measures a dwelling's affordability (no more than 30% of the household net income), its suitability (e.g. the number of bedrooms versus the number of inhabitants), and its adequacy (e.g. if it needs major repairs). To this day, the indicator determines eligibility for federally funded social housing. So while the downward spiral of social housing started during the 1980s, a vocabulary with which to measure the effects of the government's withdrawal simultaneously emerged. I will come back to this when elaborating on interviewees' housing conditions.

The next major milestone in the federal sphere was in 1993, which marked the end of long-term loans and arrangements.[55] The 1993 Conservative budget reads,

> The government will not increase its support for social housing, through the Canada Mortgage and Housing Corporation (CMHC), beyond the current funding level of about $2 billion a year. CMHC will no longer fund housing through 35-year subsidy commitments which impose most of the costs of today's housing support on future taxpayers. Increased efficiencies in the financing and delivery of its programs will enable CMHC not only to maintain its existing housing stock in good repair but also to provide some scope for new social housing commitments. (Canada. Dept. of Finance, 1993, p. 55–56)

[55] RRAP was also terminated, but it was reinstated in 1994 by the Liberal government.

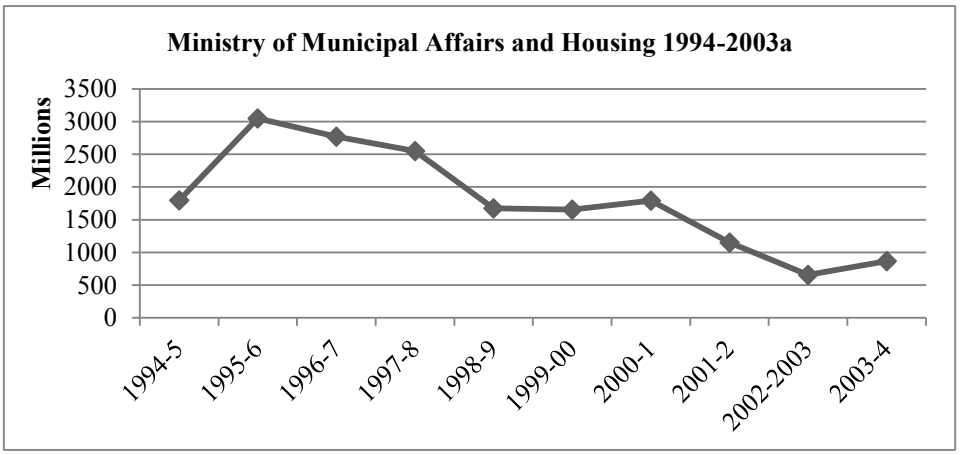
The Liberal government continued the same general housing policy (Canada. Dept. of Finance, 1994). The 1995 budget announced that government was going to reorganise social transfers and reduce the administrative cost of the CMHC (Budget Plan 1995, p. 112–113). The following year, in 1996, the budget started to download social housing programs to the provinces and territories, forcing Ontario to take over the federally owned housing stock. The budget stated,

> CMHC will phase out its remaining role in social housing, except for housing on Indian reserves. The first step has already been taken—there has been no funding for new social housing units since 1993. To further clarify jurisdiction in the social housing field, the federal government is now prepared to offer provincial and territorial governments the opportunity to take over the management of existing social housing resources, provided that the federal subsidies on existing housing continue to be used for housing assistance for low-income households. This should result in simpler administration and improved service to Canadians. (Canada. Dept. of Finance, 1996, p. 43–44)

The federal government's stance was clear: it wanted out of the social housing business.

The Ontario government adopted a similar stance, starting with the Harris government in 1995. The following graph traces the impact this government had on the Ministry of Municipal Affairs and Housing budget.

Table 6.1



a) Amounts represent the total operating budget and capital expense

Source: Ontario Budgets, 1996–2005

When the Harris government was elected, it cancelled all new social housing projects where construction had not been started (395 in total). The cancellation fees explain part of the spike in housing spending for 1995–1996.[56] The 1998 budget started to download the responsibility for social housing to the municipal level. This was further cemented in the *Social Housing Reform Act* (2000). The process was completed in 2001. As seen in the table above, funding started to decrease in 1998 and by 2002 had dropped by 70%. The decrease in funding helps contextualise the difficulties faced by trans people attempting to access housing.

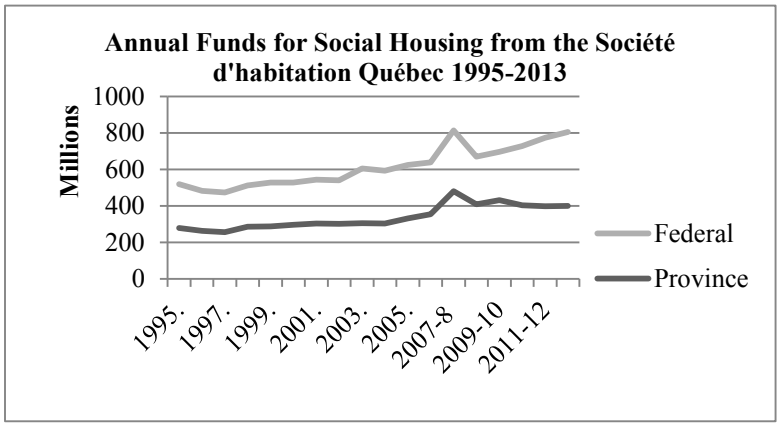
Québec took a different approach. In 1995, the Québec government published the green paper *Décentralisation: Un choix de société*. In this paper, the government argued for the need to re-examine how the province administered its services. It proposed both political and administrative decentralisation. Political decentralisation involves giving elected bodies (other than the province) more responsibilities. Administrative decentralisation occurs when other entities such as non-profits are given responsibilities (Québec, 1995). In the context of housing services, this meant that non-profit, co-operatives, and municipalities would have more power.

The SHQ revised its program delivery consequently (SHQ, 1997a). First, the various rent allocations that had been introduced were regrouped under the heading of the *Allocation-logement* (as it stands today). Second, the program *AccèsLogis* was inaugurated in 1997. This program promotes social housing (governmental and community based). It has three dimensions: a) housing for people of limited income; b) housing with services on site for people of limited income; c) temporary housing including emergency shelters (SHQ, 2014).

While both the Ontario and Québec governments proceeded to decentralise housing services in the 1990s and 2000s, there are two main differences. First, the restructuring of housing programs and services did not result in the same funding cuts by Québec government as it did in Ontario. The SHQ annual reports are a good indicator of provincial funding for social housing, as the SHQ manages public and private social housing (non-profits and co-operatives), *AccèsLogis*, the various renovation programs, and rent supplements.[57] The following graph traces this funding:

[56] The total projected budget had been 2.276 million dollars (Ontario, Ministry of Finance, 2005).
[57] However, these numbers also include funds that promote house ownership, though they are not very large budgets.

Table 6.2



Source: Annual Reports, 1996–1999 and 2001–2013[58]

This graph shows that that the province has steadily increased funding for social housing. These numbers cannot be directly compared to the Ontario budgets, which relate to an entire ministry. But whereas the Ontario trend has been to decrease funds, the Québec government has tended to increase social housing budgets. This does not speak to the relative needs for social housing in each province. And compared to the other eight provinces' spending on social housing per capita, Ontario and Québec represent the bottom of the barrel (Wellesley Institute, 2010).

The patchwork years.

By halting funding for new social housing projects and downloading the responsibility of managing the current housing stock to provinces, the federal government planned to get out of the business of social housing, but was not able to for long. Public mobilisation in the years that followed 1993 put pressure on government (see Layton, 2008[2000]). In 1998, the Federation of Canadian Municipalities asserted that housing was a "national disaster" (see Federation of Canadian Municipalities, 2000).

The 2001 federal budget stated,

> There are shortages of affordable rental housing in many of Canada's urban regions. Construction of rental housing has not been a priority for builders. This, combined

[58] The 2000 file was corrupted and relevant pages could not be read.

> with growing urban populations, has pushed vacancy rates down to very low levels and has driven costs beyond the reach of many Canadians. There are also particular problems with housing in remote areas. (Canada. Dept. of Finance, 2001, p. 126)

The federal government did re-enter the business of social housing, albeit in a fragmented form. As seen in the quotation above, the federal government switched language from social housing to affordable housing. According to the CMHC,

> In Canada, housing is considered affordable if shelter costs account for less than 30 per cent of before-tax household income. . . . Affordable housing is a much broader term [than social housing] and includes housing provided by the private, public and not-for-profit sectors as well as all forms of housing tenure (i.e. rental, ownership and cooperative ownership). It also includes temporary as well as permanent housing. In other words, the term "affordable housing" can refer to any part of the housing continuum from temporary emergency shelters through transition housing, supportive housing, subsidized housing, market rental housing or market homeownership. (2015, para. 3)

The affordable housing vocabulary makes tracing money invested in new social housing difficult, as it re-categorises social housing under a larger rubric. Three main federal programs are dedicated to affordable housing. This first is RRAP, discussed above. The second is the Homelessness Partnering Strategy (HPS).[59] The third is the Affordable Housing Initiative (AHI),[60] which was created after the first federal-provincial agreement on housing (2000–2005) was announced. These three initiatives (RRAP, HPS, and AHI) formed the new social housing landscape.

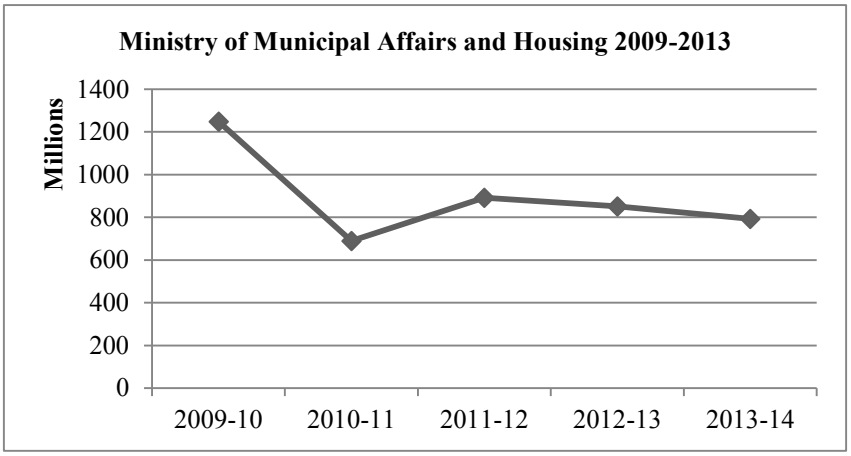
The federal government never returned to long-term arrangements, but it did introduce a new mode of affordable housing funding. Through AHI, one billion dollars were allocated to housing over a five-year period (Canada. Dept. of Finance, 2003; CMHC, 2011a).[61] These federal transfers were managed by the CMHC and could be used by the provinces to develop housing programming. Provinces accessing this funding have to follow the general framework of the agreement: cost-sharing between the federal government, the provincial government, and other actors (municipalities, as well as non-profit and private sectors). These agreements mandate that

[59] Formerly the National Homeless Initiative.
[60] Later renamed Investment in Affordable Housing.
[61] 680 million dollars announced in 2002 and 320 million dollars in 2003.

the housing must remain affordable for 10 years, after which the owners are free to rent their units at market value. The AHI is a short-term program, which needs to be renewed every few years.

While monies from the AHI became available as of 2002, this had little impact on the Ontario government's investments. By 2008, total actual investments per annum were at 756 million dollars (Ontario, 2010). The period being studied here (2009–2014) saw further cuts, as the following graph shows:

Table 6.3



Source: Ontario Budgets, Ministry of Finance, 2009–2013

Meanwhile, as was previously explained, the Québec government took advantage of AHI funds through its *AccèsLogis* program (see Table 6.1 above).

2009–2014: The direct policy context.

At the beginning of 2009, the social housing context was as follows:

- An estimated 630,000 households received some form of government assistance for housing (CMHC, 2011a).[62]

[62] In 2008.

- The majority of the social housing stock was constructed between 1964 and 1993 using long-term arrangements, costing the federal government about 1.8 billion dollars per year.
- Under AHI, new projects were guaranteed to remain affordable for 10 years. In 2009, this program received 125 million dollars per year from the federal government.
- The RRAP was being funded at 128 million dollars per annum.
- The HPS received 135 million dollars per annum.
- In response to the 2008 recession, the government announced its Canada Economic Action Plan.

Federal.

In the 2009 Budget, as part of the Canada Economic Action Plan, the government announced two billion dollars in federal funds for social housing over two years (see Canada. Dept. of Finance, 2009, 2010, 2011). Half of this money would go to retrofitting and updating current buildings. The other half of allocated funds would be reserved for new housing projects (managed through AHI).[63] Thus in plain terms the AHI's annual budget of 125 million dollars was augmented to 500 million dollars for two years. Another 500 million dollars per year went towards renovations.

During this period, the government renewed HPS and Investment in Affordable Housing, (IAH), formally known as the Affordable Housing Initiative, until 2019.[64] HPS receives 119 million dollars annually and IAH receives 253 million dollars annually (Canada. Dept. of Finance, 2013, 2014). Meanwhile, the federal budget manages 250 billion dollars per annum. So while the period in question has been marketed by the federal government as one of massive investments in housing, their claim falls flat.

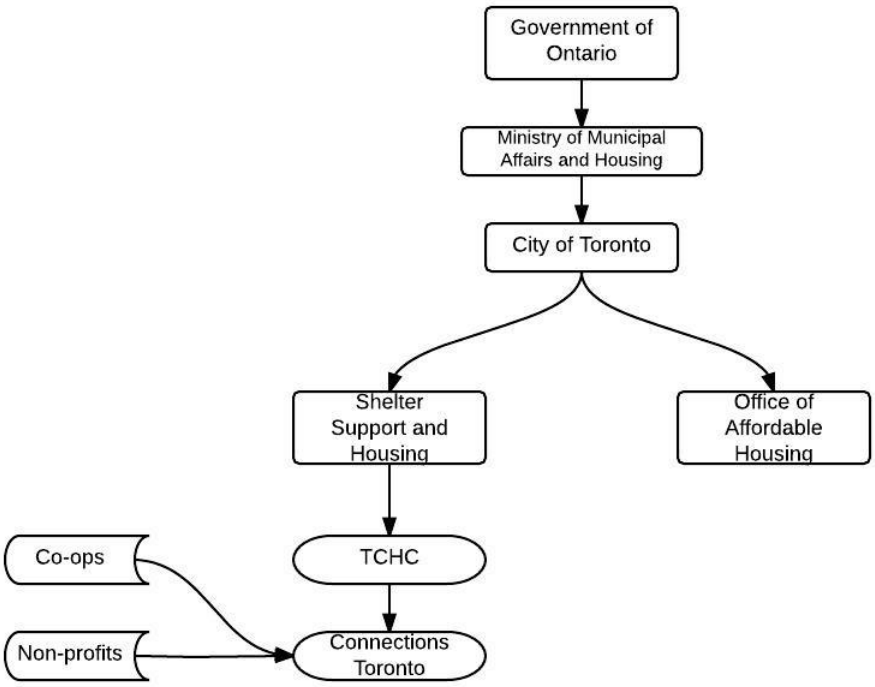
[63] Of this, 400 million dollars were for seniors, 400 million dollars were for Aboriginal reserves, 75 million dollars for people with disabilities, and 200 million dollars for Northern housing. The total of actual sums spent was reported in the 2012 budget: 2,077 million dollars.
[64] Renewed beginning April 2014 (see Budget plan 2013 and 2014).

Toronto context.

Ontario cities' powers and responsibilities are governed by provincial acts, such as the *Municipal Act* (2001) or *The Housing Service Act* (2011). These acts legally bind the city of Toronto to provide housing services. The municipality cannot refuse to administer rent supplements and social housing, or decide to close down all their shelters. The city must also get provincial approval before selling any of its housing stock (*The Housing Service Act,* 2011). Should Toronto fail to provide these services, they could be taken to court and risk losing other subsidies from federal and provincial governments (City of Toronto, 2013). This puts Toronto in a delicate position.

In 2005, the Affordable Housing Office was established to manage housing development and coordinate with programs at the federal and provincial levels. The division that most directly impacts participants, however, is the Shelter Support and Housing Administration. It "provides temporary shelter and support for homeless individuals and families, and creates permanent affordable housing solutions" (City of Toronto, 2014, para. 1). Through the Toronto Community Housing Corporation (TCHC), the Shelter Support and Housing Administration manages government-owned social housing units. As the above history explains, there are also non-governmentally owned social housing projects. The TCHC's subsidiary, Social Housing Connection, is in charge of managing residents' access to these projects, as well as other housing services. The following model summarises the organising of social housing in Toronto:

Figure 6.1. Social Housing Governance in Toronto



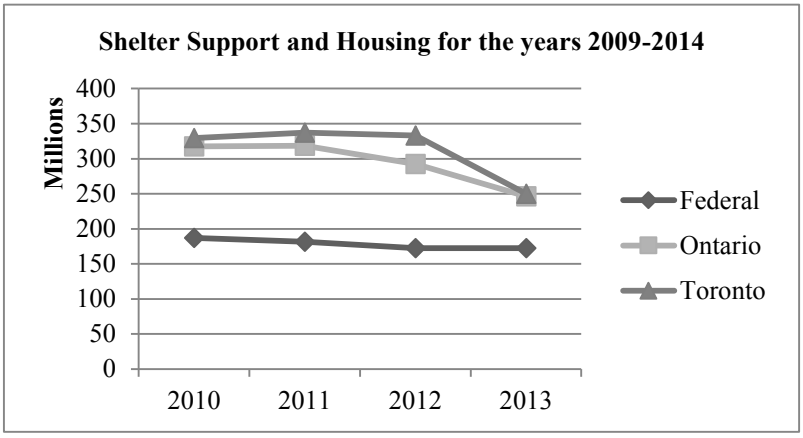
If a Torontonian wants a social housing unit, they must apply through Social Housing Connection, which manages the wait-list. At the end of 2013, 77,109 households were on the active waiting list in Toronto, representing 167,472 people (Social Housing Connection, 2013). By comparison, the total number of households that were on the waiting list at the end of 2009 was 60,197, representing 134,176 people (Social Housing Connection, 2009). The average wait time for social housing in Toronto is five years (Ontario Non-Profit Housing Association, 2013).

As the number of people waiting for social housing continues to grow, the current housing stock faces its own pressures. In 2011, the TCHC recommended that it be allowed to sell 675 of their buildings (740 homes) in order to pay for repairs to multi-unit buildings (see Shapcott, 2012; TCHC, 2012). This plan was met with resistance from community groups, the city council, and the province (which must approve all plans to sell buildings). Despite this, 90 homes were put on the market, and of these, 32 were sold as of February 2014. The current repair needs of the TCHC's housing stock are estimated at 751 million dollars (TCHC, 2014), excluding repairs needed for non-profit and co-operative housing units. Such numbers help put into context the one billion dollars recently pledged by the federal government across the whole of Canada to

renovate the social housing stock (an additional one billion dollars would also be provided through match investments by the provinces).

The financial burden of renovating the current stock is exacerbated by further funding cuts. The following graph summarises funds allocated to Shelter Support and Housing for the years 2009–2014:

Table 6.4



Source: City of Toronto Budget, 2013

Funding has been cut significantly during the period in question. The decrease in funds has resulted in a reduction of new social housing project starts.[65] The cuts have also put pressure on the current affordable housing stock, opening the door for debates over shelter closing, which I will return to in the next section. The 2013 final operating budget cut city staff (including a family shelter staff member) and decreased funds for the TCHC by 10%. Finally, the 2012 operating budget planned to use the emergency social housing reserve fund to offset the budgetary shortfall (City of Toronto, 2011, 2012). The 2013 operating budget confirms that the city has now depleted this fund (City of Toronto, 2013). As agreements over older projects come to term, and if provincial government and federal governments remain firm in their funding choices, the City of Toronto will have to find ways to further reduce their costs in order to provide the services they are legally bound to give.

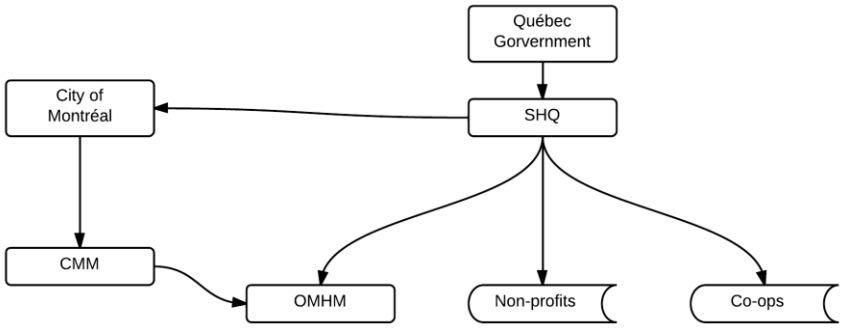
[65] A "housing project start" refers to a new construction site.

The Québec-Montréal context.

As has been noted, Québec does not govern its social housing stock in the same manner as Ontario. Québec did not give the entirety of housing responsibility to cities. Rather, the SHQ shares the responsibility between municipal housing offices, non-profit organisations, and co-operatives. Municipalities have the power to propose housing projects as well as own and manage housing units. Municipal housing offices also play an important role, including managing SHQ-owned units.[66]

In the municipal sphere of government, both the municipality (Montréal) and the OMHM play a role. Montréal owns some housing stock through the *Société d'habitation et de dévelopment Montréal* and has created some housing programs (e.g., *Habitations urbaines pour familles*). However, municipal housing offices run government-owned housing projects (thus properties owned by the SHQ) and manage the wait-list for these social housing units. Montréal contributes to the OMHM by transferring funds to the *Communauté metropolitaine de Montréal*. The following chart summarises housing governance in Montréal:

Figure 6.2. Social Housing Governance in Montréal



The current social housing stock in Montréal includes rent supplements, government-owned units, units in co-operatives, and non-profit housing units. If someone in Montréal wants to access social housing, they can apply to either the OMHM (rent supplements or government-

[66] Municipalities and municipal housing offices are related bodies but they do not always completely overlap. The *Office municipal d'habitation Montréal* services the *Communauté métropolitaine de Montréal* which groups 82 municipalities (Montréal and surrounding areas).

owned housing stock), housing co-operatives, or with a non-profit organisation. There is no centralised list. There are no numbers indicating how many people are waiting for housing run by co-operatives or non-profits. The wait-list for government-owned housing in Montréal included 21,885 households as of December 2011 (OMHM, 2014). There are no reliable data about wait times in Québec, making it impossible to compare with Ontario.

The above history shows that the future of social housing stock is uncertain. The current stock needs repairs (e.g., over 700 million dollars for government-owned buildings in Toronto alone). These same housing projects will soon lose their operating funding as agreements expire. Meanwhile, Toronto is facing enormous financial pressures leading to discussion about selling properties and diminished services (like shelters). As social housing projects peaked later in Québec, the same fate may hit the province. It is hard to imagine that a 253 million dollar Canada-wide annual budget for Investments in Affordable Housing will fill this void. This impending lack has added significance for trans people. On the one hand, it is unlikely that the wait time for social housing will decrease. In fact, there is a strong possibility that it will continue to increase. Some who are currently in social housing units might even lose their apartments. When agreements expire, there is nothing to prevent housing units from being rented at market value. Non-profits will have their hand forced if they are unable to find funding. And governments, like the case of Toronto shows, will feel pressure as well. As a result, even if transphobia decreases, it is possible that in the near future more trans people may be in precarious housing situations or simply homeless. If this happens, the shelter system will continue to face higher pressures.

Policy encounters with social housing.

Having now reviewed participants' general housing policy situations (parts of life relevant for policy) as well as the policy context (programs and housing plans), it is now possible to connect the two at policy encounters. This section will explore participants' situations in more detail and explain how they fit into the policy context. Throughout, I will note where various skills and strategies come into play. The reader will remember that there are three broad categories: interpersonal skills (communication, social norms, attitude, and social skills), interactional styles

(avoidance/confrontation, disposition, autonomy, and strategising), and information networks (access and evaluation).

Given the above policy history, it not surprising that access to social housing was one of the biggest difficulties faced by underhoused participants attempting to stabilise their housing situation. Likewise, it is understandable that one of the main issues participants faced, once in a social housing unit, was the state of the building. Here, I examine access to social housing and problems within social housing. In terms of access, I consider three components: wait times, the role of street-level bureaucrats, and eligibility criteria. Afterwards, I turn to life within social housing, and in particular, participants' interpersonal relationships and the state of their buildings.

It was not uncommon for participants to recount years of waiting before being able to access social housing, and some were still waiting. I spoke with two trans women who faced chronic homelessness, which is reoccurring homelessness over several years. Both were trying to find stable homes, and I would not be surprised if I learned they are still trying today. In describing interviewees' housing policy situations, I included the experience of a woman who had been waiting for three years in Montréal for social housing and who in this time moved on the wait-list from being #136 to #96. Three years later, I wonder if she got a unit and what happened to her if not. Several participants became homeless while waiting for housing. This was the case with a woman in Toronto, who waited seven-and-a-half years for housing. In that time, she lost her apartment and began living in a shelter. Following an incident in the shelter (described in the emergency shelter section), she spent two-and-a-half months in jail, where she was kept in isolation. She talked about her experience and the role her housing worker played during this difficult time.

> Participant: It took seven-and-a-half years [to get housing], and I had to go to jail to speed up the process [. . .] I have a beautiful [housing] worker and I will never forget what she did, her support, her thought, her personality helped me a lot, she works for [community organisation]. She was my house support worker, my worker in different ways really, and she got me through this difficult time, she even went to Hamilton to see me with another social worker when I was in jail. She helped me keep my emotional being in peace, because I needed to see people to keep in contact with reality, and I could not believe that it could happen to me.

The same worker helped finally secure housing for the participant. Another woman credited a housing worker for helping her when her housing situation became precarious. While the woman above was connected to a community organisation that assigned her a housing worker, this second woman met a Toronto Housing worker when working at a bar.

> Participant: I'm lucky that way because a few years ago I had a friend in the community, she was cool with all of us, worked at Toronto Housing, and she would come see the shows and when I told her about my. . . at that moment I was with a roommate and our rent was $1,000 a month, so we would split it, then my roommate had to go back home, so I was going to be left with $1,000 and I could not afford it. So I told her that and she said well come to Toronto Housing and we will see what we can do for you. So I went there and I had an interview and explained my situation and they gave me an apartment.

One of the striking elements about these two stories is that while it took seven-and-a-half years for the first woman to get housing, the second was able to get a unit almost instantly. It is not possible, given the data, to know why this is the case, but it demonstrates that a stable home can make a world of difference in a person's life: one woman ended up homeless, while the other did not. At the time of the interview, both women's lives were stable in no small part due to their social housing units. A second striking feature about these stories is the role of street-level bureaucrats. Many of the people I spoke to in either community-run or government social housing underlined the role of a street-level bureaucrat or community worker in helping them gain access. These bureaucrats' work may not increase the total number of units available, but it certainly helps connect those in need of housing with programs. In other words, street-level bureaucrats' discretion is bound by the social housing shortage, but they can find creative ways of getting people housing. Another example of this creativity will come up in the following discussion about eligibility criteria for community housing residents.

Government-run buildings have eligibility criteria related to income, the number of members of the household, and in some cases needs (e.g., related to disability and health) or life situation (e.g., being above a certain age). Community-owned housing is generally geared towards specific populations: drug users, people who have recently been incarcerated, people with mental health issues, people living with HIV/AIDS, and so on. Being eligible for such a unit

can significantly reduce the wait time. But a few interviewees who were living in community housing for people with mental health issues or for specific populations questioned whether they belonged there. I will illustrate with two examples. In the first case, the participant had been able to access a building in which some units were reserved for LGBT people. Qualifying for such a unit reduced the wait time. He waited two years, while the average for those on the principal wait-list in Toronto is five years (Ontario Non-Profit Housing Association, 2013). Being in this unit had an overall positive effect in the participant's life. However, he questioned if he belonged:

> Participant: I am thinking why are you putting us here in this building [for people who are physically or mentally ill]. Which one am I? Or you have to be addicted to crack-cocaine, or you have to be fresh out of jail and use that space as a halfway house, [. . .] so it's almost like it's sending me a message, like "you qualify."

The participant quoted here felt uncomfortable being grouped with categories of people with whom he associated a negative connotation, which also had implications for his sense of safety in the building. He preferred not tell other tenants that he was transgender in case they were transphobic (avoidance strategy). He had a stable housing situation but did not fully feel at home.

The second example involves a woman with a diagnosed intellectual disability. She questioned this diagnosis, preferring to speak in terms of mild autism and a learning disability. She was placed in a building for people with mental health issues.

> Interviewer: And you have been there since June, how did you get a lease there?
>
> Participant: June of last year. Well a housing worker at this female-only drop-in I often have lunch at, [community organisation], well she, see they generally only rent to people that fit the criteria, that is, they are considered to have a mental illness, and she ask me "Is it fair to say that you sometimes experience stress?" and I said "Yes," and she put me down as I sometimes experience stress and I ended up getting in there.

Although she is autonomous, the woman quoted here benefitted from being in a building with support. It helped her live independently. Being in this unit gave her access to services that could help her, but interestingly, it appears that the social worker's diagnosis of "stress" gained her access to the building. Meanwhile, her tone in recounting this story made it clear that she did not see herself as suffering from stress. I did not interact with this woman long enough to know her

full disposition, but during the interview she was calm and did not seem at all stressed, nor did the stories she told about her life, her interactions, and difficult moments reveal a stressed personality. This example underlines the role of social workers in helping trans people navigate an imperfect policy system. Otherwise, the participant may not have known that "stress" would get her into the apartment building.

Overall, being in social housing stabilised participants' lives. A few had been in their unit for many years. It was a solid point on which they could rely to weather the storms they faced in the rest of their lives. Of course, as the story of the participant in LGBT housing above highlighted, housing was not a magical fix-all solution. Indeed, some participants faced problems. Within social housing, they sometimes had issues with other tenants or the staff, but sometimes not. The following is an excerpt from an interview with the woman from the last quotation. She had a positive relationship with staff.

> Participant: Well, if I would like help with shopping, [my social worker] would help me with that. And well she has given me emotional support when my superintendent sent her an email about two Sundays ago when I was just standing outside of my apartment building, a male was standing across the street from me in front of [inaudible] hospital, yelling transphobic, homophobic things and yelling sexual stuff and shaking his stomach in a sexual way and was about to punch me and threaten to kill me.
>
> Interviewer: Oh my goodness. So your superintendent overheard this and contacted your support worker?[67]
>
> Participant: Well he knew about it because the next day I told him about it, I gave him a description of the person and he said he is going to have this person banned from the building.
>
> Interviewer: Is your superintendent generally good with these things?
>
> Participant: Yeah totally and there has been a number of times when I made a report to the superintendent about people in my building saying prejudiced things and he would take action against these people doing these things.

[67] I was genuinely surprised by the dramatic turn in the participant's story, and acknowledge having followed with a leading question.

This woman felt supported by her social worker and superintendent. She was able to communicate her needs (interpersonal skills) and found a good balance between autonomy and support (interactional style). Others had more difficult relationships. Another woman in Toronto explained her situation.

> Participant: Where I am living now I went to the office and told them I was changing my name, and they were fine. Every year they have to send you the letter from the tribunal for the new rent increase for the apartment as is and it always said [current name], formerly know as [previous male name], every year on that piece of paper, I want to rip it up and say "Why formerly as?"
>
> Interviewer: Yeah, why?
>
> Participant: I'm sure that if someone gets married they don't say formerly Miss Jones on the thing, every year they do this and it drives me buggy.
>
> Interviewer: Have you asked them to stop?
>
> Participant: Nope I haven't, that's something. I don't like to rock the boat because I am in subsidised housing.
>
> Interviewer: Do you think it would be in jeopardy if you were to rock it a bit?
>
> Participant: No, it's very hard to lose your house but it does happen.

Throughout the interview with this transgender woman, many stories of policy problems more serious than this one came up. When they did, she proved herself to be rather skilled at convincing people (communication skills) and developing strategies to overcome obstacles (strategising and problem-solving), which is why I asked in this case whether she had taken action. As she explained, she did not want to "rock the boat." In so doing, she demonstrated an important strategy for dealing with policy, namely that you have to pick your battles. This woman blended confrontational and avoidant interactional styles in her policy encounters.

Other participants faced more serious problems in their social housing units. Several did not feel safe. For example, one woman in Montréal, who lived in a building for people with mental health issues, left the premises and went to a shelter for the night because she felt threatened by staff. A few (in both Montréal and Toronto) had had problems with other residents, ranging from insults to aggressive behaviour. A woman from each city recounted an incident when police were called but failed to intervene. Several participants described a general sense of unease in their homes. One exchange went as follows:

Interviewer: Do you think you are going to stay in your apartment for a while?

Participant: I don't want to, I like the view but things, the insecurity, I don't feel safe. Even when I take a shower I think someone is getting into my place. My vacuum disappeared, it was weird, and I don't know how, so somebody is getting in my place. I don't know.

Interviewer: Did you apply for a transfer?

Participant: Yeah, I am on the priority list, I have been talking with people, but nothing [so far].

Depending on where they lived, these problems could extend to their neighbourhood. Two participants had been attacked or verbally assaulted near their homes. In one case, it got to the point where the woman no longer wanted to go to school, because she feared the walk to the bus stop.

How participants felt in their neighbourhood depended on where they lived but also their personal disposition (interactional style). There was one neighbourhood in Toronto that was described as being unsafe by one participant and generally safe by another. The latter participant said she loved living there:

Participant: Not the best area of the city to be living people told me but I never had a problem in the area, I think as long you go about your business and leave people alone, I mean we have had a couple of shootings in the area and stuff but I can walk home one or two in the morning and I feel safe.

Looking at trans people's interpersonal relationships within social housing brings to light several important points: the role of street-level bureaucrats, strategy (e.g., hiding trans status or not taking up certain battles), and personal disposition (feeling safe or unsafe). But the above discussion also points to the fact that trans people continue to face various forms of violence, much of which is directed at them because they are trans.

The next set of issues relate to the state of buildings. Once again the history of social housing helps explain why participants find themselves in the situation they are in. According to the principles of core housing needs, someone’s shelter must be affordable, suitable, and adequate. One element of suitability is living in a home that is accessible and tailored to the tenant's needs. One participant was in a community-run building. She had moved in several years before when she was battling mental health problems. But the building did not have an elevator

and she had a lung condition, which limited her mobility (several segments of the interview were inaudible, because she could not speak any louder or was out of breath). She had been waiting nine years for a government-run housing unit adapted to her needs.

The principle of adequacy refers in part to the state of repair of the building. The maintenance of buildings came up in a few interviews. When I asked a participant about a typical day she answered,

> Participant: I wake up and go grab a coffee and breakfast, I don't eat in my home because I have a bunch of roaches in my home and they disturb me, they keep coming from other places, my building is built in the 1960s and is really dirty outside, people don't keep it clean.

Amongst the problems mentioned by participants were bedbugs, electrical systems, heating and cooling, and interiors. These are all issues that have been signalled by TCHC (2015). As was explained in the previous section, TCHC was in the process of selling some of its units in order to pay for the repair of others. I did not found any official data about Montréal social housing units' state of repair.

The above problems while living in social housing led some participants to ask for a transfer to another building. The story of the participant who felt her security was threatened when she showered shows that not every one had managed to do so. Their success once again seems to be in part due to availability and the role of street-level bureaucrats. Another woman, who had more luck transferring between units, thanked her social worker. She explained,

> The last one was an amazing apartment, but I was so lonely, it was [street corner], nothing to do with the gay village, and plus I get beat up, behind the hospital building, and I start to do again all my mind the past, big depression, I don't feel like, even the doctor prescribed me marijuana, not even the marijuana made me anything, I was completely in depression, I want to give up, I don't want, I don't want to do anything, but after I explained to [my social worker] I don't want to do anything, I don't want to do any project, I refuse everything, I just want to live at home, close the door and have nobody visit. [. . .] When she saw that my situation was very serious, she transferred me there and I am there now.

Once she convinced the social worker her situation merited attention, she was transferred to another building that suited her. Her ability to incite empathy and to communicate her situation effectively helped her get the transfer she needed.

When examining what trans people have to say about their policy situations and side by side with the policy contexts they face, their experiences gain context and their problems are clarified. Interviewees had two kinds of problems with social housing policy. First, many had trouble accessing a social housing unit. The first phase of long-term agreements (50 years) started in 1964, thus they began to expire in 2014.[68] The second phase of long-term agreements (35 years) started in 1979. They too have begun to expire. Since 2002, one-time capital investments on the part of governments included the obligation to remain affordable for ten years. These obligations are starting to come to an end as well. The government has yet to announce any plan to address expiring agreements. The CMHC corporate plan projects a steady decrease in money spent on social housing (as long-term agreements expires) (CMHC 2011b).

The second kind of problems interviewees encountered occurred once in social housing. Some had issues with staff and other residents. Some buildings needed repairs or were in neighbourhoods where interviewees felt unsafe. Some interviewees questioned whether or not they belonged in the building to which they had been assigned, either because it was far from their community or housed other residents around whom they felt uncomfortable. All of these problems are the basis for ordinary critiques, that is, they contribute to the process of argumentation over social housing.

Looking at policy situations, contexts, and encounters also makes visible some of the factors in policy successes and failures. For instance, on the policy context side of the equation, we see the role that street-level bureaucrats play in getting people access to services. But it is participants' skills and strategies that stand out most in a policy encounters framing, which prioritises policy users' perspectives. Interpersonal skills, interactional styles, and information networks all play a part in trans people's social housing encounters: how they accessed housing and their experiences in housing.

A comparison between what the transness framing and the policy encounters framing have to say about housing reveals substantial differences. However, the policy encounters framing also includes the possibility that trans people face problems because they are trans.

[68] As 50 years was the maximum, some shorter arrangements had already expired by 2014.

Indeed, anti-trans sentiment was a contributing factor to several participants' precarious housing situations. In addition, many faced discrimination in housing, which influenced how their social housing policy encounters unfolded. But there was so much more going on. The challenges participants faced depended on funding, people skills, luck, information networks, personal dispositions, and much more. These are just a few of the transness framing's dead zones that a policy encounters framing reaches. The next section examines shelters, and once again, I show that the transness framing misses out on a lot of important content.

Emergency Shelters

In both Toronto and Montréal, the number of pending cases on wait-lists for social housing exceeds the total number of social housing units. It is thus not surprising that wait times can be long. Interviews suggest that fitting into a target group—like those living with HIV or with mental illness—might prompt faster placements. While some participants in this type of housing questioned if they fit the requirements, all benefitted from a stabilised housing condition. Those who did not get into social housing units remained in precarious housing situations, which in some cases led to homelessness.

While both trans men and women face housing precariousness, only trans women spoke of shelters in their interviews. Trans women in both cities talked about shelters. On a policy level, the shelter systems are radically different in each city. The City of Toronto has a larger role in the governance of shelters through its *Toronto Shelter Standards* (n.d.) and daily monitoring of shelter bed usage. In Québec, shelters are under the jurisdiction of the province, but there is no guiding policy. It is not that one system is better than the other. Although housing community organisations play a large role in both cities, those in Montréal may have more say in managing their affairs. However, Toronto was able to add trans-inclusion to their shelter standards in 2002. There is no such policy in Montréal to which such a clause could be added.

Because women in both cities had trouble accessing shelters, it is interesting to use shelters as a case study to see what kind of barriers trans women face. In the interviews, five

barriers came up: information, interpersonal skills, health, number of beds available, and being trans.

The first barrier I observed relates to information networks: knowing about shelters, how the shelter system works, where to go, and who to call. This became evident one evening when I went to Meal Trans to tell potential participants about my project. There, I witnessed a woman, who had just arrived to Toronto, ask a staff member about shelters in the city. The staff member proceeded to give the woman an overview of the shelter system, where to go, where to avoid, including the best places for trans women. Hearing that there were some shelters that trans women should avoid piqued my curiosity. It resonated with advice I heard community leaders give in Montréal. Even in shelters that accept them, trans women often find themselves isolated or do not receive the same services as other women. For example, they might be asked to sleep in the kitchen so as to not bother other women. Why are Montréal and Toronto so similar? After all, Toronto has a policy that specifies that trans women are allowed in women's shelters.

Many trans people migrate to Toronto or Montréal from rural areas or other countries in search of opportunity, a fresh start, services, and community. Arriving in Montréal or Toronto, trans women may not know about shelters. It could be the first time they find themselves without a place to sleep. They do not always know about trans networks either. Indeed, the woman in the example above was lucky to have found The 519 and to have someone who knew the system to guide her. Not everybody gets connected to proper information networks. I had one interviewee who, upon arriving in Montréal, slept on a park bench. She explained her situation as follows:

Participant*: Quand je vivais ici, en itinérance mais comme femme, parfois je vivais sur un banc, je n'avais pas commencé mon épilation, je ne mangeais pratiquement plus, ah j'ai trouvé ça extrêmement difficile.*

Interviewer*: Avez-vous essayé d'entrer dans un des centres d'hébergement?*

Participant: *Je ne connaissais pas, je venais d'ailleurs, la seule chose que je connaissais c'était Citibar, Café Cléopâtre, j'allais là, pis des fois après ça j'allais à Longueuil et je me tenais là.*

Interviewer*: Pourquoi Longueuil?*

Participant*: Je ne sais pas, ça arrivait là, j'ai connu Longueuil comme ça, je ne connaissais pas le quartier gai.*

Citibar (now closed) and Café Cléopatre are bars in Montréal that cater to *travestis* and transsexuals. Someone there could have potentially guided the participant. As researchers, we are used to searching for information and evaluating the information that we get. Many other people have these skills, but not everyone. The participant ended up "hanging about" in Longueil, a city on Montréal's south shore, and eventually she had to move back to a rural region of Québec. She made several attempts to move to Montréal before being able to stay and access services.

A transness framing pushes us to think about information in terms of shelter staff, and specifically educating them on trans realities in hopes of making shelters more inclusive. But the other side of the coin is informing trans people about shelters. Of course, non-trans people also need information about shelters in order to access them. Just because someone is trans does not mean that their difficulty accessing shelters is related to being trans. But a transness framing cannot account for difficulties that are not related to identity. The importance of information also underlines the central role of community organisations like The 519 in Toronto or ASTT(e)Q in Montréal. They are often trans people's primary source of information on social services.

Lack of information can be exacerbated by an individual's interpersonal skills. As Lipsky (1983) explains, when street-level bureaucrats are faced with limited resources, they fall back on a kind of triage to identify those that they can help, and what it will take to help them. Lipksy noted that this affects the quantity and quality of information that these bureaucrats give to people. The literature reviewed in chapter four found a similar trend. Depending on how one approaches a street-level bureaucrat, one gets a different reaction. As was explained to me by key informants and corroborated by my observations and interviews, when someone has difficulty in social exchanges, they tend to be denied access or isolated.

Those who have more social difficulties often have trouble with other residents and staff. Sometimes trans women, like other women, cross a line. For instance, one participant in Montréal was forced by police to leave a short-term housing centre after threatening staff to commit suicide if they did not do what she wanted. The manner in which she made the threat could have been perceived as aggressive and menacing for staff. She was not following accepted social norms and etiquette. In addition, her attitude and expectations towards staff did not match what they could offer. This kind of behaviour may have a lot to do with years of marginalisation and discrimination, which pushes mental health to its limits. This participant had faced a great deal of discrimination and rejection over many years. At the same time, staff had her removed from the

site for arguably legitimate reasons. This example is perhaps extreme. Usually, the stories I heard about trans women with difficult interactions were subtler, but the results were the same. Key informants argued that a trans woman's social skills are often used as an excuse to refuse her services, where a non-trans woman with the same behaviour would be allowed to stay.

In addition, in cases where there is an incident between residents at a shelter, trans people can become scapegoats. For example, one of my participants in Toronto had a disagreement with another resident, who accused her of threatening her with a knife. There were no witnesses or video proof, but the trans woman was sent to jail—This is the same woman who waited seven-and-a-half years for housing. Here, interpersonal skills and identity intertwine, which should warrant further investigation.

In addition, general social skills are important for dealing with other residents. If trans women do not know how to handle bullies, shelters may not be a viable option. One participant in Montréal had trouble with other residents and ended up leaving to occasionally sleep in a park. Throughout my interview with her, she recounted many examples of confrontations and it became apparent that she had difficulty in such situations. She was not rude or inflammatory, but nonetheless she was an easy target. Being trans is only part of the puzzle, as other trans people have more ease handling and diffusing these situations. Although it should not be the responsibility of trans women to handle these incidents, policy studies should allow for the possibility of empowering people through policy to deal with an imperfect world.

Whereas a transness framework might explain interactions between staff, trans people, and other residents in terms of passing (if others can “tell” someone is trans or not) and the presence/absence of transphobia, again I found the situations revealed through interviews to be more complicated. Being trans can contribute to someone's marginalisation, which may affect the ways they relate to people. It can also make them a target for discrimination from staff and residents. But trans women, like any population, have varying social abilities. This in turn affects their access to shelters (or need for shelter). Non-trans women with similar interpersonal difficulties might experience similar difficulties.

The third blockage is health-related issues. Trans people can have all kinds of health concerns. Some health issues, like HIV, Hepatitis C, diabetes or heart conditions require special diets, which shelters cannot accommodate. Many conditions, such as Hepatitis C, healing bones,

and recovery from surgery, also require rest.[69] Shelters, however, usually require people to leave the premises between certain hours, and even with accommodations for health, residents have to go elsewhere for eight to twelve hours per day.[70] Living in an emergency shelter at night also means living in public spaces during the day. One participant had a hernia, and the only way to relieve some of the pain was to lie down at a certain angle. She was unable to find spaces in public where she would be allowed to lie down for hours at a time. She explained:

> Participant: *Hier j'étais heureuse de prendre une couple d'heures dans l'après-midi après avoir fignolé ma bicyclette, un deuxième flatte, facque finalement, je me paie la traite, je me couche, je ne peux pas le faire en centre d'hébergement, je dois quitter les lieux, aller au Complexe Desjardins prendre un banc, c'est un gardien de sécurité, facque dans ma situation aller dans un banc de parc ou aller faire arrêter, où aller me reposer, ou ben donc ma hernie, j'ai une hernie, que je vais être opérée bientôt, bon ça fait mal c'est affreux, le seul moyen que j'ai trouvé, une chance que je possède tout de même un peu de connaissances médicales, là je suis sur la rue, ça me poigne, parce que ça c'est comme un espèce de masse de chair, ça fait comme une boule et elle descend et ça ouvre, ça fait une ouverture intérieure, ça déchire et à ce moment-là je dois la rentrer, imaginez-vous que vous êtes sur la rue, y-a des passants, il dit "coup donc c'est un malade sexuel," pis là il voit ben dans ma face que j'ai mal, ça fait mal.*

She decided to avoid shelters and set up a camp in an abandoned building (interactional style). This was late April / early May, when overnight temperatures are still low in Montréal. One wonders where she went after the surgery for her hernia to recover. Incidentally, another participant lost her sex reassignment surgery appointment because she did not have a place to recover from the surgery (a process that can take several months). She had tried to find social housing or emergency housing, but had had no luck. Her social assistance cheque would not cover the fees for a convalescence bed in the public health care system. Health affects access to

[69] These examples are based on interviews.
[70] I'm basing this on an interview in Montréal. Toronto does appear to have a policy that stipulates that people with health concerns can stay during the day, but I do have some feedback suggesting that in practice this is not always the case.

shelter, and access to housing affects health. In both cases, health and housing policies intersected in these participants' lives.

While someone thinking through the transness framing might point out that a trans woman must have had sex reassignment surgery to enter certain shelters, they would be oblivious to the fact that the shelter system, as it currently functions, would make surgery impossible. They would also neglect to consider other health factors affecting a trans woman's access. You do not a get hernia because you are trans, but trans people get hernias.

The fourth blockage is space, or the number of beds available. The women I interviewed often had to call from shelter to shelter in hopes of finding a bed, which was especially tricky when some shelters did not accept trans women or gave them subpar care. Consider the following passage that I already quoted when discussing participants' housing situation:

> Participant: *Il fallait que j'aille à* [Montreal suburb] *parce que je ne pouvais pas aller dans un autre centre, soit qu'il n'y avait pas de place, même si on pouvait me prendre, soit que bien sûr c'était plein et comme d'habitude il faut appeler à tous les jours pour voir s'il y a de la place qui se libère pour l'accueil de nuit, pas facile à faire avec deux valises et plusieurs sacs de bagages avec toé.*

At the time of the interview, this woman was staying with a nephew. She was only able to sleep there a few nights and worried that she would be unable to find an available bed in time.

Not only are there at times not enough beds, recent governance in Canada has people worried about the future. A participant had the following to say in regards to Toronto:

> Participant: Rob Ford [the former mayor of Toronto] is trying to get rid of some of the shelters and funding for shelters, he is also trying to get rid of some of the subsidised housing which would make more homeless on the street, basically they don't like seeing people on the street so they want to put everybody in jail, it's ugly, it's wrong, there is no need for homelessness in Canada, the government has to get their act together and get something done to make this right. Jail is not the right way.

Her worry was not unfounded. This interview took place in May 2012. The 2012 city budget made cuts to available beds in shelters. The following municipal budget, completed in March 2013, froze funding for shelters and dramatically cut the funding for new subsidised housing

(City of Toronto, 2012, 2013).[71] Similar pressures exist in Montréal. For example, a recent press release warned that *La Maison Marguerite* would have to close one third of its beds (La Maison Marguerite and Francoise David, 2014). This is one of the shelters that accept trans women. As trans women already had trouble finding available beds, these cuts would have deeply affected them. Luckily, the city of Montréal stepped in to cover the budget shortage.

The last form of blockage to consider is when trans women are denied access because they are trans or have not changed their identity documents. During the winter of 2013, with -30 degrees Celsius overnight temperatures in Montréal, ASTT(e)Q (2013, January 25) brought it to the public's attention that trans women were being denied access to shelters. Considering this, a policy that guarantees trans people's right to use shelters would be a good idea. Looking at things through a different framing does not mean that the transness framing loses all pertinence. It is simply that an identity framing is not equipped to address the full complexity of trans women's interactions with shelters.

When examining the previous four blockages, identity did come up with varying levels of significance in each case. It can be a factor in interpersonal relations within shelters. It can further limit options for trans women when there is a shortage of shelter beds. But there are also cases where identity is less present: when participants suffer from a health condition like a hernia or do not know how the shelter system works. Centring on the meeting point between trans women's lives and shelters offers a more balanced approach than the transness framing, because it allows identity to be a factor without always making it the most important variable.

Although not all the interviewees were in a precarious housing situation, many were. The policy encounters framing helps situate this reality, by increasing the breadth and depth of what we can say. Many central issues for the participants emerged in interviews (e.g., their relationships with street-level bureaucrats or their struggles as they fell through the cracks of available emergency housing services). What is more, we can say something of substance about these, by for example detailing the skills and strategies required to make a policy encounter successful. Comparing the level of detail in the sections on social housing policy encounters or emergency shelters with

[71] Federal and provincial cuts were in part responsible for Toronto's operating budget cuts to housing.

what previous scholarship has had to say makes it evident that the policy encounters framing opens up the discussion.

Moreover, placing participants' policy situations (parts of life relevant for policy) alongside policy contexts (housing policies, programs, and services) reveals a nuanced glimpse at the problems faced by underhoused trans people. This nuance is one advantage of a critical/reflexive methodology that strives for a balance in points of view and perspectives. Here, this methodology uncovered that trans people who were in need of social housing had trouble accessing it for a variety of reasons (e.g., lack of information, no available units). Once living in social housing, trans people faced various challenges, ranging from transphobic neighbours to cockroach-infested apartments. Likewise, trans women trying to access shelter faced a variety of barriers—from the availability of beds and transphobia, to access to information and the inadequacy of current services (e.g., regarding health needs).

Evaluating policy on the basis of these diverse experiences opens up the conversation to include not only policies that would be more inclusive of transness (specific trans-inclusion policies for shelters or education campaigns for shelter staff) but also policies that could offer adequate shelter for trans people (e.g., funding for new social housing units, repairing units, making sure there are services on site). The benefit of adding new dimensions to an evaluation of policy is evident: to find housing for trans people, a precise understanding of their situation is necessary. As the transness framing does not allow for this precision, it must be critiqued. Indeed, once the multiple barriers that prevent trans people from accessing adequate housing are known, is lack of housing for trans people really "because they are trans"?

As explained in chapter five, the policy encounters framing was developed with the help of empirical work. In this chapter, we saw one reason why distinguishing direct and indirect contact with policy is helpful during analysis. Housing encounters analysis must include the multiple layers of programs, inter-governmental relationships (federal-provincial-municipal), and funding strategies that have built the Canadian social housing stock. These relationships also contribute to an appreciation for the magnitude of the problem in need of fixing. I provide more examples of the importance of the direct/indirect distinction in chapters eight and nine, where I show how opinions play into trans people's relationships to policy.

This chapter also gave a first glimpse at policy intersections, that is, moments in which participants face multiple policy areas at once. I discussed the case of a woman who could not get

sex reassignment surgery because of her housing situation. It is also not uncommon for policy failures to contribute to an individual's precarious housing situation. For example, the participant who had been on a waiting list for subsidised housing for over seven years went to a shelter when previous housing arrangements became untenable. Several of the trans people that I spoke with faced the challenge of finding an apartment with monies from social assistance—a topic I return to in the next chapter. While such intersections were not completely invisible to past policy researchers, starting from policy users' perspectives shows promise for creating a better view of how policies come together in individuals' lives. This improved understanding is one of the many advantages of using a critical/reflexive methodology that prioritises new points of view and attempts to redress past government bias. Having only looked at housing policy, the intersectional dimension of policy encounters is not yet fully visible. But in chapter nine, I further develop some examples based on the partial stories I provide throughout part two of the dissertation.

Another policy encounters element developed in this chapter is the skills and strategies that people use when dealing with government. Looking at trans people's experiences of social housing and trans women's experiences of shelters brought to light many of the skills needed to navigate policy, including interpersonal skills (communicating with social workers and housing support workers, following certain expected norms of behaviour), interactional styles (avoidance of shelters, choosing one's battles), and information networks (how to find an emergency shelter or know-how to quickly access social housing). These skills are further developed in the next chapter, which examines social assistance policy encounters.

The above points (direct/indirect, policy intersections, skills and strategies) speak to the richness of a policy encounters analysis, which examines policy situations and contexts. Indeed, with this chapter I start to reap the fruit of my critical/reflexive labour. This chapters shows why a policy encounters framing is more suited for investigations of trans people and housing policy than the transness framing. It intervened at the level of form by comparing the two framings and at the level of content by increasing the available "real" with which to make sense of trans people's lives. This chapter contributed to policy studies by striking a balance between policy users' perspectives and government perspectives, and by starting to develop a vocabulary to make valuable distinctions such as between direct and indirect contact with policies. All of these contributions continue in the next chapter on social assistance.

Chapter Seven – Social Assistance

The last chapter gave a general overview of what a policy encounters framing can offer and compared it to the transness framing. It also gave voice to some trans people's experiences that rarely get heard. This chapter continues to contribute on these two fronts, but with a more specific focus. In this chapter, the importance of the skills and strategies component of policy encounters will become clear. As found in previous research with impoverished populations, people must find creative ways to survive. This chapter will showcase how trans people survive impossible situations with interpersonal skills (communication), interactional styles (avoidance, strategising, and problem-solving), and information (accessing and assessing quality information).

Past policy ethnographies have been geared towards humanising poor people and raising awareness of their living conditions (see chapter four). While I am hopeful that participants' stories will incite the empathy of readers, I doubt this chapter will succeed where over two decades of policy ethnographies have failed. Poverty remains a deadly force. Still, this chapter may make a contribution, if it is able to work towards a multidimensional view of trans people.

To accomplish the above, I must give more than what a transness framing can offer. As was the case with housing, the transness framing proposes an inadequate view of trans people's economic lives. I show this by briefly comparing two recent studies of transgender men and employment with the experiences of participants. The central focus of the chapter is social assistance policy encounters. I begin with the policy context to help readers better understand the policy situations that follow. Once again, regarding social assistance, participants came into contact with many policies and dealt with them in diverse ways. A striking 23 trans participants shared their experiences of social assistance. In terms of frequency, this subject is comparable only to civil status. Using the points of contact between policy situations and contexts, this chapter offers a detailed overview of participants' encounters with social assistance.

Literature: Two Studies of Transgender Men and Employment

Two recent books examine trans issues of employment, both within a transness framing. The first is Bender-Baird's *Transgender Employment Experiences* (2011). The author sets out to use interviews with transgender men to analyse current employment protection policies in the United States as well as pertinent case law. The second book is Schilt's *Just One of the Guys?* (2011). The author uses transgender men's experiences to understand gender inequality in the workplace. Despite this common feminist move, using trans experiences to answer feminist questions, the book does offer a detailed evaluation of masculine transness within the workplace.

Bender-Baird begins with a review of current anti-discrimination law in the United States and how it applies to transgender people in the workforce. He then turns to transgender people's experiences to ask two questions: "What does employment discrimination look like for transgender people?" and "What would policies and laws look like if transgender people were put in the centre of policymaking rather than added to an established system that has historically excluded them?" (p. 41). By now, the reader should be able to interpret these questions as really asking about employment discrimination in relation to transness and putting transness at the centre of policymaking. Bender-Baird, unsurprisingly, found that some trans people lose their employment or are unable to find employment due to anti-trans discrimination. As a consequence, the author found that many transgender men's income was negatively affected by their trans status (being trans or transitioning in the workplace). This negative effect in turn affected many of his participants' ability to transition. Indeed, transitioning is an expensive enterprise: clothing and personal belongings, hormones and medications, and surgeries all cost money, and therefore are more accessible for those with income or other funds. Within the workplace, Bender-Baird found that transgender men often face harassment as well as problems with dress codes and bathroom access. The author also underlines some positive experiences that transgender men had in the workplace when employers were accepting.

Schilt's (2011) book also examines the experiences of transgender men in the workplace. And again, we can read this as "masculine transness in the workplace." The author develops a spectrum of potential reactions faced by transgender men in the workplace stemming from employers' and employees' views on the gender binary. Employers' reactions are categorized into

three types: First, they might "reject the transition, thereby neutralising challenges to the male/female binary" (p. 17). The author notes that, with varying level of directness, employers find ways to "neutralise the potential threat to the gender order" (p. 114). For example, they might agree to continue employing a transgender man if he works "as a woman." A second employer reaction is to create transgender tokens, by placing the person's transness above all other aspects of their personhood.[72] The third employer reaction to transgender men in the workplace is to work towards a "reshaping of gender boundaries, both institutionally and interactionally, that incorporates them as one of the guys at work" (p. 119). The three employer reactions to transgender men in the workplace are presented and organised around a spectrum of transgression. The more the workplace was welcoming of challenges to the gender binary, according to the author regarding this research, the better employers' reactions, which ranged from neutralising threats to the gender binary to reshaping gender boundaries.

In comparison to my work regarding trans people, Bender-Baird and Schilt are both limited in their consideration of trans people and employment. My interviewees were diversely employed in translation, the hotel industry, manufacturing, the sex trade, a political office, self-employment, mental health advocacy, and education. Several participants had great working conditions, but others faced many of the same problems that the above authors found in their studies. Here is an example:

> Participant: *J'ai reçu, je suis victime d'harcèlement psychologique au travail et c'est pour ça que j'ai été à la Commission des normes de travail pour porter plainte, parce que, il y une conciliation avec la compagnie et moi et je finis le travail pour ça, c'est pour ça que je suis en chômage pour le moment et je cherche emploi, mais c'est pas facile.*
>
> Interviewer: *Est-ce que je peux demander l'harcèlement que vous viviez au travail, c'était pour quelle raison?*
>
> Participant: C*'était à cause de mon orientation sexuelle, oui oui oui, c'est discrimination, toutes les années, les six années j'étais très bien au travail, mais il y un superviseur nouveau que c'est latino aussi, Colombien, et c'est lui qui m'a fait la discrimination et l'harcèlement psychologique.*

[72] The irony here is delectable. The author is critical of putting a person's transness above all else, and yet fails to study anything beyond trans people's transness.

[. . .]

Interviewer: *Et vous dites que c'est à cause de votre orientation sexuelle qu'on vous harcelait. Par orientation sexuelle qu'est-ce que vous entendez?*

Participant: *Parce que je suis en train de changer le sexe, je prends des hormones eeuh c'est c'est pour ça. Mais je comprends pas, c'est ma vie personnelle. Au travail, je peux te montrer toutes les papiers, je suis très bonne agente de recommande, toujours je suis dans le top, haut de la liste pour la compagnie.*

This resonates with Bender-Baird and Schilt's work. Indeed, the experiences of my interviewees confirm the importance of many issues brought up by their research. Most of my interviewees were unemployed or underemployed. However, they found themselves without work for a variety of reasons not limited to transness: retirement, disability, injury, illness, unrecognised credentials, and anti-trans discrimination. Once again, the transness framing gives too partial a picture. The rest of the chapter will show what a policy encounters framing can offer.

Policy Context

Social assistance policies are presented in a more straightforward way than those of housing. While outlining the multiple historical layers of housing policy was necessary to explain interviewees' current situation, it is social assistance policy's present offerings that concern us here.

Employment insurance and government-run pension plans.

Employment insurance and pension plans are not technically social assistance programs, but they have a direct link to social assistance in the lives of interviewees, justifying their inclusion here (this project favours policy user's perspectives). The federal government is responsible for

Employment Insurance (EI) (Employment Insurance Act, 1996; Employment Insurance Regulation, 1996). Two interviewees mentioned receiving EI benefits in the recent past, but at the time of the interview only one participant was on EI. She was receiving sickness benefits to replace a portion of salary lost due to health problems. The woman in question was nearing the end of her 15 weeks of benefits after sex reassignment surgery and was in the process of applying for social assistance in Québec.

One participant interacted with the Canada Pension Plan (CPP) (see the Canada Pension Plan, 1985; Canada Pension Plan Regulations, n.d. last amended 2013). Another two interacted with the Québec Pension Plan, described in the next paragraph. Full CPP benefits are available to people 65 years of age and over. However, disability payments are available to those who are recognised by government as having a disability that prevents them from working, who have contributed to the plan, and who are between the ages of 60 and 65. One interviewee in Toronto received these disability payments, although they were not her only source of income. She had not worked enough over the course of her life to live off of her pension, and so she received social assistance.

Québec runs its own pension plan and it is managed by the *Régie des rentes du Québec* (see Loi sur le régime de rentes du Québec, chapitre R-9; Règlement intérieur de la Régie des rentes du Québec, 2011). Like the Canadian counterpart, it includes a retirement pension as well as disability benefits. Two participants received their Québec pension at the time of the interview (one disability and one unspecified). Whether a person will be eligible for the Québec pension or the CPP depends on where they worked and contributed as opposed to where they currently live. One participant had recently moved to Toronto from Québec and received both (a reduced) social assistance from Ontario and her pension from Québec.

Provincial social assistance.

Provinces are responsible for social assistance and associated programs. In Québec, this falls under the purview of the *Ministère du Travail, de l'Emploi et de la Solidarité sociale*, and it is run through their agency *Emploi-Québec*. There is a legal framework that outlines the available programs as well as eligibility (see *Loi visant à lutter contre la pauvreté et l'exclusion sociale,*

chapitre L-7; *Loi sur l'aide aux personnes et aux familles,* chapitre A-13.1.1; and *Règlement sur l'aide aux personnes et aux familles,* chapitre A-13.1.1, r. 1). But as the role of street-level bureaucrats is particularly important in this field of policy, it is worth citing the operational manual used to determine a client's eligibility (Ministère du Travail, de l'Emploi et de la Solidarité sociale, 2014a, 2014b). Later on, I will use these manuals to offer insight on the inner workings of social assistance.

The principal financial assistance programs in Québec are *l'Aide sociale* and *Solidarité*. The first is geared to people who are out of work, and the second is for persons with a disability. The base sum allocated is $610 per month. If a temporary impediment to work is recognised, the sum rises to $740. According to the policy directives manual, a temporarily limited capacity allowance can be accorded when a doctor's note is provided that demonstrates that a person is unable for at least one month's time to participate in any job searching activity for physical or mental health reasons. It is up to the street-level bureaucrats at *Emploi-Québec* to decide if a person meets either of these requirements. For this reason, an individual's ability to make their case is important (communication skills). The doctor's letter alone is not enough. If someone has a severe impediment to work, they qualify for *Solidarité* and the amount is $927 per month. The policy directives manual includes a list of pre-approved conditions. If the medical note refers to one of these, then the claimant gets the classification. In addition, claimants must be unable to work permanently, which is defined as a 12-month period. If the person has a condition that is not included on the list, the claim must be reviewed by a committee made up of a doctor and a specialist in labour and psychosocial issues. Again, bureaucrats take on an important role.

Street-level bureaucrats also determine who can benefit from other kinds of supplements. Possible financial assistance includes subsidies like the *Allocation loyer*, which is up to $80 per month to help pay for rent.[73] There is also a discretionary fund (*prestations spéciales*) for health-related items like hearing aids and bandages, and personal expenses such as moving. Some expenses are pre-approved, such as eye exams. Others, such as bandages, are pre-approved only for those with permanent impediments to work. In other cases, a street-level bureaucrat has to interpret the rule, which occurs after the expense has been incurred, upon an application from the beneficiary. This fund is particularly relevant for trans people who receive social assistance and

[73] This is only available for people who are not living in subsidised housing or receiving other forms of rent subsidies.

get sex reassignment surgery. Their post-surgery care (which participants estimated at $200) could be reimbursed in part or in total. In such a case, applicants have to wait for a decision to be made after the fact, in order to find out what they will receive. Having to pay for aftercare out of pocket is prohibitive for some.

Beneficiaries also get health care coverage for prescription medications. Everybody in Québec must have prescription drug insurance, and those who do not have private insurance, including those on social assistance, fall under the provincial public plan. This insurance covers hormones, as long as they are the ones included on the list of approved drugs. For this reason, the cost of hormones was not a barrier for those participants receiving social assistance.

A final factor to consider is a beneficiary's housing situation. If they are homeless, they can still receive (a reduced) income support if they have a correspondence address and a third-party worker (e.g., from a community centre). This added bureaucracy caused some anxiety among participants. One interviewee's solution was simply to avoid telling *Emploi-Québec* that she had lost her apartment (avoidance strategy).[74]

In Ontario, social assistance programs are run by the Ministry of Community and Social Assistance, through a similar policy framework as in Québec (see Ontario Works Act, 1997; Ontario Disability Support Program Act, 1997; and Ministry of Community and Social Services, 2014). Their agency, Ontario Works, administers the related programs. Like their Québec counterpart, Ontario Works has two main fields of operation: employment assistance and financial assistance. None of the participants I interviewed in Ontario brought up employment support, and for this reason, the following will focus on financial assistance. The monthly payment by Ontario Works for a single individual without children, which was the case for all but one of the participants receiving social assistance, is summarised in the following table:

[74] I shared part of her story in chapter five.

Table 7.1 Ontario Social Assistance Benefits

	Ontario Works	Ontario Disability Support Program (ODSP)
Basic allowance	$250	$607
Shelter allowance	$376	$479
Age allowance	$39	
Diet allowance	$88–$200	$250
Total	$626–$865	$1,086–$1,336

Source: Ministry of Community and Social Services, *Social Assistance Policy Directives*, 2014

These allowances differ from the Québec version in three ways. First, there are only two categories (regular and disability) versus three (regular, temporary impediment, and permanent impediment). Second, the shelter allowance is separate. If an Ontario claimant pays less than the maximum amount for shelter, the province keeps the difference. Those without a fixed address do not get the shelter allowance. The third difference is the special diet allowance. Generally, a special diet is accorded when a medical condition has led to substantial weight loss or wasting, or alternatively when an individual has dietary restrictions (such as celiac disease). During the time of the interviews, all special diet allowance recipients were in the process of reapplying for this benefit, as the province was looking to reduce the number of individuals receiving it.

Beyond these differences, provincial social assistance benefits are very similar between Ontario and Québec. Ontarians are not required to have a drug insurance plan, but social assistance recipients have access to the Trillium Drug Program, which covers medication. In addition, a discretionary fund covers various medical expenses as well as some personal expenses. For example, one participant in Toronto was going to receive an air conditioner for her unit because the building garbage containers were just outside her apartment and prevented her from opening her window in the summer heat.

Policy Situations

A total of 23 participants were at the time of their interview receiving monies from social assistance programs. About half received either Ontario Works or *l'Assistance sociale* (regular benefits or with a temporary impediment to work). One woman was in the process of applying, as she was coming to the end of her 15 weeks of Employment Insurance sickness benefits after having sex reassignment surgery. The other half of participants received disability income support.

Several participants receiving regular assistance in Québec had attempted to get a temporary or permanent impediment to work recognised but failed. In one case, the participant argued that she was having trouble getting work in large part due to the discrimination against her as a trans woman. She also suffered from severe anxiety that made it difficult for her to work in many environments. She had a letter from a specialised psychologist attesting to her anxiety, but her request for *Solidarité* was refused. She had asked for a review and was once again denied.

Another participant had a permanent impediment recognised (due to mental health issues) but was reclassified as "able to work" when she applied for job training through *Emploi-Québec*. While the logic follows—she was going through job training therefore she could work—the training was only a first step for this participant, who had been out of the workforce for several years. And despite wanting to work, there is a chance that she would not be able to do so full time. In contrast, some participants receiving ODSP were able to work a certain number of hours without losing their designation.

A third participant was unable to get his physical disability recognised as either a temporary or permanent impediment, although it did affect his ability to work in many environments. He could not work standing up or doing physical labour. He had arrived to Québec as a refugee claimant. At the time, he had no choice but to take on physical work as no other employer was willing to apply for the work permit his status demanded. It did not take long for this physical work to worsen his underlying health condition. With the help of a doctor's letter, he was at the time able to receive support. But now that he was a permanent resident, this disability was not recognised. The three above decisions were taken by street-level bureaucrats at *Emploi-Québec* and had a great impact on the financial well-being of participants.

As noted, about half of participants receiving social assistance funds had the ODSP or the Québec *Solidarité* program (permanent impediment). Recipients of ODSP or *Solidarité* received more money than those with Ontario Works or *Assistance sociale*, because it was recognised that they were prevented from working. The reasons participants qualified were varied: sensory disability, intellectual disability, mental health issues, particular health conditions (Hepatitis C, HIV), and physical injury. Only one participant mentioned that being transsexual might have been part of the reason that she was accorded this status. She did, however, have two separate serious health issues that could have warranted her being accorded this status on their own. Anti-trans discrimination was probably not taken into account, a fact I will get back to later.

Participants receiving social assistance had access to medications including hormones and HIV treatment. In some cases, certain medications were not covered such as sleeping pills or vitamins. Participants also noted that transportation to medical appointments was covered but only reimbursed after the fact. Several participants brought up using benefits related to dentistry or vision (including glasses). The complexity of what medications and services are covered caused headaches for some. For example, one participant was told by a dentist's office that a check-up and cleaning would be covered by Ontario Works. When Ontario Works refused to pay the dentist, their office put pressure on the participant to pay the bill, which totalled $300. The participant, who received just over $600 per month from Ontario Works, was forced to pay with a credit card, adding to his debt (information networks: accessing and assessing information).

Some experiences were specific to Toronto. A few people I spoke to in Toronto took advantage of the $120 transportation supplement offered to people who volunteer. One participant had the Ontario Works old age supplement. Four participants talked about the dietary allowance. Three were living with HIV and had been accorded the supplement either due to a drop in their body mass or following hospitalisation for AIDS-related meningitis. The fourth participant explained their situation:

> Interviewer: Why do you need a special diet?
>
> Participant: I have acid reflux disease, it's basically the main part and I am anorexic, due to this economy, not being able to afford a place to live and food to eat, thank god Toronto has shelters, they feed you very well, the food is not the greatest but beggars cannot be choosers.

Acid reflux disease is not on the list of conditions outlined in the policy directives but weight loss due to anorexia is. It is thus likely that it is the latter which officially warranted her the supplement. In this case, it is telling that she links this with the inability to pay for food.

Some experiences described in the interviews were specific to Québec. One participant was able to move in with her parents for her convalescence after sex reassignment surgery with monies from *Emploi-Québec*. The coverage for aftercare equipment needed after sex reassignment surgery in Québec came up in two interviews. In both cases, the participants were unable to get a formal confirmation that the aftercare would be reimbursed. This caused stress and delays. One participant turned down the opportunity to get an earlier appointment for sex reassignment surgery because she had not yet saved up enough money to buy the aftercare equipment (she estimated the cost at $200). The second participant was unable to gather the resources to find appropriate shelter, food, and aftercare. As I noted in the previous chapter on housing, her appointment was cancelled because she was homeless. What links access to many of these funds is that participants must be able to convince the right bureaucrat that they deserve help.

Two participants received pensions (both Québec), and one participant had disability benefits from the CPP. In each case, the amount complemented monies received through social assistance. Three participants brought up receiving EI, although only one had it at the time of the interview. I noted this case above when explaining that the participant receiving EI was in the process of applying for provincial assistance. Finally, one woman in Québec was receiving financial assistance from the Québec government as a refugee.

In describing interviewees' policy situations, part of their diversity becomes visible: receiving assistance or applying for assistance, with or without recognised disabilities, special allowances, health services, or medications. Some of the problems faced by interviewees also came out of this exercise. The next section deals with these problems more directly.

Policy Encounters: Skills and Strategies

Once again, looking at the policy contexts and situations deepens an understanding of policy encounters. This time, the skills of participants get showcased. In examining the point of contact between participants' lives and policy, three problematic aspects of social assistance policies emerge. The first relates to the monies available, the second to the process of classifying recipients, and the third to the surveillance of social assistance recipients. Each is linked to skills and strategies used by participants to make the best of a difficult situation.

Available money.

There is significant variation in the social assistance amounts received by participants, from about $600 to $1,300 per month. A couple of individuals who had a recognised disability underlined that they felt lucky because they were better off financially than others. But these two, and others like them, still faced poverty. To understand some of the problems participants faced, it is useful to first examine some of their principal monthly expenses such as shelter and utilities. The average rent for a bachelor apartment in Toronto is $907 and in Montréal it is $560 (CMHC, 2013a, 2013b). Participants receiving social assistance found units for less. One participant in Montréal paid as low as $275 for a room (she shared the kitchen and bathroom with another tenant). Those who lived alone in Montréal generally paid between $400–$500. In Toronto, one participant in a social housing unit paid $175 for rent, but most paid around $400–$500 (which corresponded to their shelter allowance). For most, regular monthly expenses included a phone (either landline or cellular) for between $30–$40. A few also had internet, but this was not the case for many. Some had cable included as part of their rent for a social housing unit, but few paid for it separately. Already, having only considered housing and utilities, we can see that not much money was left for things like food. A few examples will further illustrate this point:

- Example 1: A transgender youth in Toronto received Ontario Works. His monthly expenses included rent ($175), a cell phone ($70[75]), and credit card minimum payments ($80). This left him with about $100 per month for food, clothes, toiletries, and transportation.
- Example 2: A transsexual man in Montréal received the basic amount from *Emploi-Québec* ($580). His rent was $460 per month. This left him with $120 for telephone, internet, transportation, and food.
- Example 3: A trans woman in Toronto received $1,053 per month from ODSP. Her rent cost $474 per month, her landline cost $30–$40 per month, and she bought a public transportation pass for $120. This left her with approximately $430 per month for food, clothes, and the occasional outing with friends.
- Example 4: A transsexual woman in Québec with a permanent disability received $896 per month. She paid $500 in rent, leaving her with $396 for her telephone, food, and other expenses.

These numbers make for impossible living conditions, forcing many participants into a survival mode. Participants developed several ways to deal with this situation.

The first was to acquire an extensive knowledge of government and charity-run services such as food and clothing banks or drop-ins that serve meals or give access to laundry machines. A few participants planned their schedules around these services. This kind of planning could become detrimental to other aspects of their lives. One woman in Montréal, whose situation I partly described in the previous section, was following training paid by *Emploi-Québec*. Because she started this training, she lost her recognition of a permanent impediment to work. She was then forced to rely on a food bank and was sometimes late for class because she had to go to the food bank to get her basket between certain hours. The class was offered in one end of town and she lived in a social housing unit at the other end of town (where the state-funded food bank was also located). Her situation caused tension with the class's teacher, who put pressure on the participant to show up on time. The teacher threatened to have the participant removed from the training course. If she did not complete the training, this would not only affect her chances of accessing future paid training but also her ability to find employment. This is a prime example of a policy intersection (housing and social assistance). Unfortunately, being stuck between systems,

[75] He was unable to get out of a three-year contract that he had started before having financial troubles.

like this woman was, was a common experience for participants. And the more programs a participant had to rely on, the more complicated their situation got.

In some cases, participants visited as many as five or six different organisations per week. One participant described such a routine in the following way:

> Interviewer: Are you able to find food on a daily basis in different places in Toronto?
>
> Participant: It's harder on weekends, but it's like you can't go do what you want to do during the day always, it is kind of like a scavenger hunt for food, like on OW [Ontario Works] and they don't give you enough money after rent, and forget travel, forget food, I have really bad feet problems and I often have to walk everywhere.

Getting to know these services took time. People mostly learned about programs, and if they were eligible for them, through word of mouth. Here is an example:

> Interviewer: You seem well resourced, how did you find out about all these places?
>
> Participant: Well I found about Meal Trans program because when I was thinking of moving to Toronto, a person let me know about The 519, but then when I was living in the [Toronto neighbourhood], I was living with someone who worked at Sistering and she told me about it and well I find that the limits of laundry at Sistering has, does not quite cut it, one load a week so I spoke to this same person about it and she then told me about this other female-only drop-in that is on Dundas East that is called the 416, and they have two loads per week limit.
>
> Interviewer: Is that where you do your laundry?
>
> Participant: Yes I do my laundry at 416, and at Sistering and I also found out about the Alley Women resource at Church Street and [inaudible] street East, I found out about this from a participant at Sistering because she finds that place to be more decent, but even for laundry there it's one load per week.

The example above gives a sense of the process through which people inform themselves about available services. The example below brings to light the consequences of not being properly connected.

> Interviewer: I remember when you were talking about the scavenging that you do, you mentioned “we”—do you have close people that come with you?

Participant: Yeah I have couple people, same situation, met them at the groups. That's actually how I learned about this group and that group, my life was actually a lot harder until I found out about these groups. When I got to Toronto, it be like, oh man, I remember when it be really hard time it used to be like, I'd buy a muffin from Tim Horton's, and at the morning I would eat half the muffin, and then I would save the bottom of the muffin, at the end of the day.

Being well connected to community services was key to surviving on social assistance, but it is not the only strategy participants used. The second way to mitigate the effects of social assistance was by working unofficially. Newman's work in New York with welfare recipients and low-wage workers pointed to the same strategy (1999). At least five participants worked under the table to make ends meet, doing anything from walking pets to yard work. This work was a key part of their strategising and problem-solving in the face of poverty.

One participant, who had worked as a prostitute for several years to supplement her income, was in the process of retiring.

Interviewer: *Ça aidait à acheter une bonne bouffe?*

Participant: *Oui je me suis acheté une télé couleur, un système de son, des choses normales, oui je mangeais des bons fromages, je n'engraissais pas parce que je mangeais des fruits en masse, des noix de Grenoble, du miel, là c'est juste à l'occasion.*

Interviewer: *Pourquoi moins maintenant?*

Participant: *J'aimerais arrêter complètement.*

[...]

Interviewer: *Donc vous allez devoir vous trouver d'autres sources de financement pour manger?*

Participant: *Oui et je vieillis, ça prendrait juste 100 piasses par semaine*.

Although she had reduced her expenses, at the time of the interview she still had a few clients. She noted that they were good clients, but due to her health (she had limited lung capacity) and her age (she was well into her sixties), she wanted to stop. Ironically, being on social assistance was preventing her from retiring.

The third strategy employed by participants was to get as much money from the government as they could. I noted above that many participants tried to be recognised with a temporary or permanent impediment to work. In Ontario, participants took advantage of a policy meant to encourage people to integrate through volunteer work. If they volunteered, they got a supplement of $120 to buy a public transportation pass. They would thus add themselves to the list of volunteers of an organisation and use the money as they needed it. One participant noted that she lived downtown and did not need a pass, but the money was nonetheless useful to her. In response to the argument that the above behaviours constitute "abuse of the system," I would counter-argue that these participants are in a social assistance–induced survival mode. They are not living the high life with an extra $120 per month—they are surviving.

Despite participants' efforts to mitigate the consequence of living on social assistance funds, many had trouble getting by. Of the 23 participants who received one form or another of social assistance, 18 had trouble accessing food. This ranged from not being able to eat foods that they liked or considered nutritious or, depending on food banks, to going without food. Several participants brought up the lack of nutrients in their diet and the consequences for their health. One participant with diabetes explained that food banks tended to offer sugary foods. Another participant pointed to the fact that many drop-ins that offer food serve junk food. He explained,

> Participant: There have been times, a lot of people don't eat until six in the evening, and like no food, and when they finally get to eat, it's nasty junk food, cause that is what people will be providing, they are not anticipating that half the people that go there have a haphazard access to food. So they are going to go "Let's order a pizza, that's a treat for them," or "Let's order chips and pop," and that is going to be the only thing you are going to eat all day, and when that is done, that was your breakfast, lunch, and dinner, and then k, go home, go to sleep and see where you can find food the next day. It's taken a full year just to figure out where these groups are, what time they go on, do I qualify to go to them and thankfully it's like in the LBGT community, they have a lot of groups.

Several participants reported having had to choose between food and trans-specific services. Here are a few examples:

Participant 1: *Ben moi c'est comme, moi y-a quelque chose que je n'ai pas aimé, oui c'est correct qu'il permette la vaginoplastie, sauf que je trouve ça déplorable, moi pour faire l'épilation laser, je me suis privée de manger, parce que si je ne faisais pas l'épilation laser, j'aurais l'aire d'un phénomène de foire, je m'habille en femme avec une grosse barbe*.

***

Participant 2: *Finalement en 2001, je me suis privée de manger pendant six mois de temps pour payer 135 $ par rendez-vous pour avoir ma lettre avec* [psychologist's name].

***

Participant 3: Obviously the hormones I pay them myself and they are pretty expensive, so I have to find a way to pay for them.[76]

Interviewer: How much?

Participant 3: It used to be in the beginning a $100, both pills, one is a testosterone blocker and the other is progesterone which is a feminine hormone, that was about five years ago, and now the price it ranges about $250 and you have to take pills every day and they last you about a month. So it's about $250 a month, not counting laser, not counting electrolysis, not counting such and such and such, you know to be a girl it's way more expensive than to be a guy, and we all know that so. With the money that I am making it's kind of hard so I have to decide, I'm going to have a nice meal and go out or I'm going to save to get my hormones, so, so that's the point where I am right now.

[...]

Interviewer: Many people don't know what it's like to have to choose between medication and a good meal or to live on not much money. How would you explain it to them?

Participant 3: I would explain to them that, the same way that you just did, some days you got to choose, even though you know that not having a good meal is

[76] She was at the end of her Employment Insurance benefits and was not on the Trillium Drug Plan.

not good for your health, but at the same time you just want something so bad that you put things aside for it, and it's hard, there are tough decisions that you have to make and, that's the way I would explain it.

I concentrated here on food, but clothes, utilities, and transportation were all difficult expenses for many participants. Beyond necessities, it was participants' overall quality of life that was affected.

Participant: *Bien sûr, même si tu veux aller faire un cours d'anglais tu dois payer, tu attends, tu ne peux rien faire, tu ne peux pas bouger sans argent, tu ne peux sortir chaque weekend, tu ne peux pas prendre un café chaque weekend, si tu veux qui reste pour manger, c'est mieux que tu restes chez toi. J'ai contacté une association pour faire le sport, ils demandent de l'argent, chaque porte que je frappe pour remplir mon temps, faire quelque chose, toujours il demande de l'argent, moi je n'ai pas d'autre revenu sauf l'aide sociale.*

For some, lack of funds slowed the transitioning process (legal and medical). Four participants brought up cost as the principal reason they had yet to change their legal name. A few others noted that it had been a factor in delaying their name change. The cost of psychologists and sexologists[77] in Québec, whose services are required to get appropriate letters authorising surgeries, slowed many participants (and not just those receiving social assistance). Another example of lack of money slowing transition is the two participants that had trouble paying for aftercare equipment for sex reassignment surgery. The above are good examples of policy intersections in policy users' lives, this time between social assistance and trans-specific policies.

[77] In Québec, sex therapists with a specialised master's degree in counseling can write letters for trans people attesting to their trans status.

Criteria that determine ability to work.

The second problematic aspect of social assistance policy is the way it determines ability to work. In both Québec and Ontario, it is recognised that some people cannot work and as a consequence they receive larger amounts of money from government than those who “could” work. This ability is measured by an individual's health and disability status as well as age. Indeed, many participants were unable to work for reasons related to such factors. But these are not the only barriers to work. For some, it was a lack of training or the availability of jobs. A few brought up discrimination against trans people. For example, one participant, who was on Ontario Works, explained,

> Participant: It's frustrating just very frustrating, and having a haphazard access to food is kind of, you feel like the government does not give a shit about you, and it's almost like it's their way of killing you off. It's not like it's their responsibility, but it's like LGBT community has a harder time getting a job, [. . .] like I have walked in and said "Hey your sign says you were hiring", my hair was coloured like this [as opposed to an unnatural colour], but I guess I looked gay or I don't know what I looked like, but she looked me up and down and it’s "No we are not hiring," "But your sign outside says now hiring," "Oh yeah we forgot to take it down" and I walked there a week later and the sign is still up, why is that sign still up? [. . .] Or they find out that you are... you are on your three month probation, "Ah we just don't feel like having you here anymore, you know too many people," they don't have to give an explanation. It could be because there are too many people. They don't want an extra person, or it could be because you are trans or it could be, I got let go from my job last time because I was working with my friend, and he was calling me "he" at work and "he," "he," "he" around the bosses, I don't know if that was why, it could of been, it could have nothing to do with it. I was getting sick a lot, so...

When participants brought up discrimination as a barrier to work, they specified they could not be sure. Employers know that it is against the law to openly discriminate against a particular group. And yet, many trans people cannot find work and share experiences like the one explained

above. To come back to Bender-Baird (2011) and Schilt (2011), my issue with their work is not that they underlined the importance of such discrimination, but that this was all that they studied.

The current classification of people able to work does not take anti-trans discrimination into account. Just as people with mental and physical health issues or disabilities require specialised programs to support them, so too do trans people who face discrimination also need specific programming—which is not to say that people with mental and physical health issues or disabilities do not face discrimination. Reviewing the way we classify people to take discrimination into consideration would create a more just system for those trans people who are on social assistance because they are having a hard time finding an employer who will hire or keep a trans person. As it stands, many face two injustices: they are discriminated against by prospective employers while looking for work and secondly by government bodies who sentence them to poverty by not recognizing their barriers to work.

It is hard to say what makes for a successful application to have a disability recognised. Participants with seemingly similar circumstances were not classified in the same way. Persistence and inciting empathy of doctors and welfare workers both seem to be factors. To be sure, the participants most successful at accessing necessary services were these who learned how to justify their needs (communication skills).

Self-justification.

The third problem with social assistance policy is its requirement that applicants constantly prove themselves or argue that they qualify for help. One case in point was Toronto participants receiving the diet allowance having to reapply for the benefit. They had previously won the right to receive it but again had to prove they deserved it. Another example is the uncertainty participants expressed surrounding coverage for the cost of sex reassignment surgery aftercare. Trans participants were conscious that social assistance programs closely monitor recipients, and this influenced how they interacted with policies. They were mindful of the relationship they had with bureaucrats who decided their cases. One participant did not want to let his Ontario Works worker know he was transgender.

Participant: Cause I am not out to [Ontario Works worker], nobody likes to be out with people that deal with their money. I don't want someone. . . I want to be on someone's best terms who has authority with money situation situations.

Interviewer: So you don't want to tell your OW worker?

Participant: No, not my bank, not anything to do with money, because, whether she says it or not, whether they are allowed to openly discriminate or not, they can in their own head. If they go "I like this person, I am going to try and help them out" they might go a little bit out of their way and go "Let's see if I can use this policy to get them this extra money" or "use this policy to do this." And if they hate you for some reason, they will still be your worker, they might still help you, but they might not bend over as much to help, you know what I mean, and I don't want to mess with people which hold my money.

Experience has taught these participants what academics have learned through street-level bureaucracy literature. Street-level bureaucrats do not help everyone equally. As I argued in chapter five, street-level bureaucrats' values and expectations play a role in their decision-making and people modify their behaviour accordingly. The above participant took on an avoidance strategy to maximise his chances of a successful policy encounter.

The sentiment that, given the chance, people would abuse the system is too strong for me to successfully argue here that governments should lessen their surveillance of social assistance recipients. We could, however, take the care to examine the kinds of skills needed by trans people in order to navigate this system and to advocate on their own behalf, such as interpersonal skills (communication), interactional styles (avoidance, strategising and problem-solving), and the ability to access and interpret information. In addition, I am interested in observing how these administrative procedures affect people differently. For example, two participants in Toronto who received the diet allowance for HIV-related reasons talked about the fact that they had to reapply. The first was worried that the government was going to take it away from her, which caused her stress. The second, who had more experience dealing with government and advocating for herself, simply perceived it as an inconvenience. The experiences that people have of policy, as

well as the benefits they might get from policies, are at least in part linked to their skills and dispositions.

I used a policy encounters framework to outline the current offerings of social assistance programs (policy context) and participants' social assistance policy situations. I then examined how the point of contact with these policies worked in their lives. Current social assistance policy prevents trans people from meeting their basics needs. To manage the role of these policies in their lives, they have developed several skills and strategies such as getting to know about food banks and drop-in centres that serve meals, working under the table, and skilfully navigating available funds. Social assistance is also problematic because it does not take into account the discrimination that trans people face when looking for work. Finally, participants face heightened surveillance and have to prove that they do in fact deserve to eat (special diet allowances) and to properly recover from surgery (aftercare equipment). Once again, these related critiques of policy are meant as contributions to a process of argumentation.

A transness framing is like a broken record. Trans people have trouble accessing and keeping their employment because they transgress the gender binary. But again, a policy encounters framing widens the scope and depth of potential content and analysis, as well as critique. In this chapter, I centred on the skills and strategies of policy encounters: information networks, interpersonal skills, strategic choices over what to share with street-level bureaucrats, larger strategic choices on how to use information to maximise funds, navigating intersecting policies, and perseverance. The level of detail presented is a direct result of my critical/reflexive enterprise, which first helped establish the limits of the transness framing, then identified a new object of study, and then guided the study and development of this object. Because of the success of this enterprise, the material presented in this chapter has made some of the diversity of trans people come to light.

The previous chapter on housing gave a general overview of a policy encounters framing. This chapter has further developed the strategies and skills component of policy encounters. Together, these chapters add to the depth with which these issues have been treated, going beyond the argument that trans people face difficulties "because they are trans." These chapters have also contributed to the breadth of issues examined by looking at components of social

housing, emergency shelter, and social assistance, which are not normally considered in work about trans people.

The next chapter compares the transness and policy encounters framings in terms of political priorities. Whereas discussions of housing and social assistance worked to increase the content of the reality in trans studies, the presentation on migration will illuminate how policy priorities are formed. In particular, it will show that when critique uses the logic of transness instead of the experiences of trans people, it wastes time and negatively impacts trans people's lives.

Chapter Eight – Migration

Chapters six and seven developed the policy encounters framework by presenting some of its dimensions and uses for policy analysis. By increasing the breadth and depth of issues considered, these chapters also critiqued the realness of the reality produced by the transness framing. This chapter continues this work. It further develops the distinction between direct and indirect contact with policies as well as the skills and strategies employed by policy users. The chapter again uses the policy encounters framework to study the policy contexts and situations that trans studies has ignored, especially in terms of refugee policy. This chapter expands the argument by examining the link between framing and policy priorities.

In privileging particular points of view and perspectives, as well as guiding the use of categories and logics, framings lead to problematisations. In this chapter, I contrast gender screening in airport security (a transness priority) and immigration and refugee policy (a policy encounters priority). A policy that regulates gender screening in Canadian airports has become a priority within the transness framing because it theoretically polices which genders can board planes. This priority is, however, disconnected from reality, as there have been no documented cases of a trans person being barred from a flight for being trans. Meanwhile, the transness framing has ignored refugee policies, even though they directly affect many trans people. Because encounters with refugee policies caused significant problems in the everyday lives of several participants, they are a priority within the policy encounters' framing. Moreover, the policy encounters framing is well equipped to evaluate the refugee policies in place at the time of interviews (spring 2012) and provide a timely caution about policy shifts that have occurred since then.

The first section of this chapter considers air travel—more specifically, trans people's experiences and opinions of the *Identity Screening Regulations* (2007), a policy that must be applied by all airline carriers. Changes made to these regulations in 2011 stipulated that in order to board a plane in Canada, a passenger's gender presentation would have to match the marker on their identity document. Six months later, the policy attracted the attention of trans bloggers, print and online news media, and trans community organisations. The general consensus was that

changes to the regulations would prevent some (or even all) trans people from flying. Word spread in trans networks that trans people were no longer allowed to fly. Three participants brought up these regulations in interviews. Despite the attention this issue garnered, not a single case of a trans person being barred from a flight was discovered. Examining this case shows that the thinking shortcuts of the transness framing are prone to causing policy mistakes. It further demonstrates that an approach centred on policy encounters can explain where the transness framing goes wrong and offer a nuanced look at the effects of the *Identity Screening Regulations*, while taking trans people's voices seriously. This combined critique and analysis demonstrates the advantages of looking at both government and policy users' perspectives and also of considering real-life policy encounters.

The second part of the chapter focuses on immigration, specifically the refugee process. This kind of migration has not received the attention it deserves from trans studies. For example, *Transgender Migration* (2012) is a collection of essays that attempts to bring together transgender theory with diaspora and migration studies. Cotten, the editor, explains that the collection centres "specifically on transgender bodies, movements, and politics in explorations of trans diaspora, subjectification, movement, travel, and migration, conceptions of home, placedness and belonging, and others" (p. 1). This is a tall order considering that not one of the nine chapters in this collection speaks to trans people migrating towards urban centres or to other countries. Yet major cities from around the world, including Montréal and Toronto, are home to many migrant trans people. How can a book on trans migration ignore trans migrants? The disconnect is striking, and the transness framing is in part to blame.

Nine interviewees in my project were born outside of Canada. Because it was framed around policy encounters and conducted through an ethnographic sensibility attentive to participants' perspectives, the interviews opened up a space for trans migrants to discuss their experiences and, importantly, the ways in which the migration process is still present in their day-to-day lives. Simply by relating their experiences, this chapter makes a meaningful contribution. But it goes further. Most of the trans migrants who were interviewed arrived as refugee claimants, an area of policy that saw drastic changes between 2009 and 2014. These changes make it harder for trans people to find refuge in Canada. I examine these shifts alongside participants' experiences of migration. This chapter showcases how a policy encounters framing can be a powerful tool with which to conduct policy analysis for people.

This chapter contrasts an issue that is easily understood as a trans priority (identity screening at airports) with one that is less obviously so (anti-refugee policies). The first has quickly gained attention but directly affected few (or no) trans people, and the second barely registers as a trans issue but will likely affects dozens if not hundreds of trans people. The comparison between the two shows that not only is the transness framing limited in what it can say, some of its "reality" is just plain wrong. It constructs priorities through deductions based on transness rather than through a substantial engagement with trans people. The comparison that brings this to light represents a key moment in the critical/reflexive development of the policy encounters framing. The effort this approach gives to remaining open to trans people's perspectives, the attention it gives to how information circulates, and the distinction it makes between direct and indirect contact with policy all come together to explain trans people's interactions with identity screening in airports and the refugee process. My approach is not quick, easy, or simple, but it can help explain how trans people relate to policy.

Air Travel

Several participants mentioned air travel during interviews, either to come to Canada, for pleasure, or for business. Airports caused some anxiety, as people worried about how they would be treated by guards at security checks, customs officers, and/or immigration officers. None of the participants reported having any problems. Even participants who dealt with immigration officers noted that they were respectful and informative. The total absence of problems makes it noteworthy that three participants in Toronto addressed a policy that might prevent trans people from flying. The policy in question is the *Identity Screening Regulations* (2007)[78] that falls under the purview of the *Aeronautics Act* (1985). According to this policy, an air passenger's gender presentation must match the information on the identity document used to board a flight. The policy reads as follows:

5.2 (1) An air carrier shall not transport a passenger if

[78] Postscript: The *Identity Screening Regulations* have since been repealed (August 2015) and replaced with the *Secure Air Travel Regulations* (2015). Gender remains an identity verification criterion (see article 5.2).

(a) the passenger presents a piece of photo identification and does not resemble the photograph;

(b) the passenger does not appear to be the age indicated by the date of birth on the identification he or she presents;

(c) the passenger does not appear to be of the gender indicated on the identification he or she presents; or

(d) the passenger presents more than one form of identification and there is a major discrepancy between those forms of identification.

(2) Despite paragraph (1)(a), an air carrier may transport a passenger who presents a piece of photo identification but does not resemble the photograph if

(a) the passenger's appearance changed for medical reasons after the photograph was taken and the passenger presents the air carrier with a document signed by a health care professional and attesting to that fact; or

(b) the passengers's [*sic.*] face is bandaged for medical reasons and the passenger presents the air carrier with a document signed by a health care professional and attesting to that fact. (SOR/2011-156, s. 6.)

Section 5.2(1)(c) most likely equates sex and gender. Indeed, the French version of the regulation refers only to "*sexe*" (SOR/2011-156, s. 6.), a point I will come back to in chapter nine.

Here, my interest is in how studying trans people's policy encounters can serve several goals. Studying these encounters demonstrates the importance of examining both direct and indirect forms of contact with policies. In this case, it was opinions (indirect contact) about the *Identity Screening Regulations* that caused problems for trans people. This case also illustrates how information networks play an important role in policy encounters. This issue came to the attention of trans people through the transness framing, which as seen in chapter four is present in trans networks. The transness framing fostered uproar in community and activist circles based solely on the policy's proximity to gender. There have been no documented cases of a trans person being barred from flight. And yet, because of the transness framing's fearmongering, some trans persons now avoid flying. This case is of interest to my project, which examines what factors make policy encounters successful.

The relevant changes to the *Identity Screening Regulations* occurred in summer of 2011, but it was only at the end of January 2012 that they were brought to the public's attention. On

January 29, the story appeared on Jennifer McCreath's blog under the title "Jan 28, 2012 Canadian Government BANS transgendered from Flying!"[79] The next day, similar information was found on Christin Milloy's blog post entitled "Transgender People are Completely Banned From Boarding Airplanes in Canada."

Also on January 30, 2012, the CQGL sent a letter to the minister of transportation, denouncing the policy as discriminatory and a violation of transsexual and transgender people's right to travel. They even went so far as to state,

> *D'autant plus que par l'adoption de ce règlement discriminatoire envers les personnes transsexuelles et transgenres, elles se trouvent désormais traitées de la même façon par les compagnies aériennes que le sont les terroristes.*

As discussed, the CQGL is a community organisation in the Montréal trans network that frames trans issues in terms of gender and transness. The comparison to terrorists in the statement above is significant. It came up on several occasions during fieldwork and interviews (another example comes up later in this section). In the above quotation, the CQGL claims that trans people are being treated the same way as terrorists. The phrasing here is telling. A link is often made in the public sphere between terrorism, racial profiling, and airport security (e.g., "Canada reviewing U.S. air security measures: Baird," CBC, January 6, 2010). Despite not being officially sanctioned by government, there has been a rise since 9/11 of racial profiling in Canadian airports based on nationality, ethnicity, culture, and religion (Bahdi, 2003; Bhabha, 2003; Lyon, 2006; Pratt & Thompson, 2008). These are the markers that determine the likelihood someone will be suspected of being a terrorist. As proof, consider that the new identity screening rules were adopted in reaction to a video of a veiled woman boarding a plane (see Butler Burke, forthcoming 2016). Indeed, the CQGL statement above could easily be read as saying that trans people are now being treated like racialised individuals. I will come back to this when discussing participants' reactions to the policy.

By January 31, 2012, the story had caught the attention of online news sources such as *The Huffington Post* ("Canada Identity Screening Regulations: Transgendered Community Effectively Banned From Flying," Althia Raj, January 31, 2012). In the days following, print media took up the story:

[79] The time stamp of the blog entry and the date in the title do not match.

- “Transgender community slams airlines' ID rules—'unacceptable'” (Johanna Smith, *Toronto Star*, February 1, 2012).
- “New rules may ground transgendered people” (Jen Gerson, *Calgary Herald*, February 1, 2012).
- “Gender Offender: This airport rule promotes prejudice not security” (Tabatha Southey, *Globe and Mail*, February 3, 2012).

Within less than a week, the topic had circulated amongst activist bloggers, community organisations, and mainstream media. Despite alarmist claims that all trans people were barred from flying or that trans people were being treated like terrorists, none of these sources provided any cases of problems faced by actual trans people trying to access planes. In fact, a few pointed out that no case had yet been discovered. This contrast is all the more meaningful when we consider that the policy had been in place for about six months at the time of the upheaval.

The message that spread in trans networks was that trans people would be barred from airplanes if their gender presentation did not cohere with the sex marker on their identity documents. Having heard of this policy, interviewees were, quite naturally, worried. Here is what one of them had to say:

> Participant 1: If you travel, one reason that would make me apprehensive to go on T [testosterone] or pass more like a guy is that I want to travel, you can't do that, because if I walk into the airport, and my appearance does not match the "F" on the passport, then I am not getting on the plane, and I hear that is a policy they have.

Air travel was not the only factor the participant weighed in connection to the possibility of taking testosterone or of determining the kind of gender presentation he would like to have. Nonetheless, his perception of the *Identity Screening Regulations* was a part of his reflection. Another participant had this to say:

> Participant 2: I can fly nationally because I have a licence that says male, but I can't fly internationally because you are supposed to look like the gender on your ID and that requires a passport, which requires surgery. It is a bit of a pain in the ass, but it does lead to some fun jokes with friends. Because I am white I can skip the racial profiling if ever I go through a line-up. So one of [my friends] was complaining about that, but I was joking "You know, I

can't even get on a plane" so it's just like, we have fun joking about the intersectionality of ways which we are screwed over merely for existing.

Interviewer: About that policy, it has been in place for about a year, have you heard of anybody that has been blocked access?

Participant 2: I think I read something in the news once, but no one I know personally, most people I know are just avoiding taking flights at this point.

Like the CQGL, this participant (a Torontonian) made a link between race and gender. It was not the first or last time that I heard someone discuss the supposed effects of this policy (trans people barred from planes) in relation to racial profiling. That these two issues would be considered on the same footing speaks to the importance of a particular logic (identity framings link identities to problems) over empirical examples (the participant above vaguely recalls once reading of an example in the news). In contrast, racialised individuals face documented scrutiny going through security and customs checkpoints (see Pratt and Thompson, 2008).

The final interview example shows that the fear regarding this policy was so strong that even a participant who had flown without problems since the policy's implementation was worried:[80]

Participant 3: I have travelled five times to the US in the past year and I have had no trouble getting across the border, none at all. They are planning on doing something, I think it's in July, which again, if you Google it, they are trying to stop trans people from flying of all things. If your ID does not match you gender, etcetera, etcetera.

Interviewer: It's a rule that came into effect last June or July.

Participant 3: Yeah so that makes me a little bit nervous.

Interviewer: Do you know anybody who has been stopped by it?

Participant 3: No, last time I flew it was last November.

Interviewer: And you did not have any problem?

Participant 3: I had no problem.

I asked all of the people who brought up this policy if they had ever heard of a case where a trans person was denied access to a plane because their identity documents did not match their gender presentation. Other than the man who thought he had read something in the news, none of them

[80] To be fair, the interviewee believed that the policy had not yet been implemented.

had. The first participant quoted above, however, argued that trans people tend to dress the "gender part" when going through security, to avoid problems. The second interviewee explained that trans people circumvent flying altogether. Both of these individuals also underlined that people in their personal networks did not have the money to pay for flights.

Transport Canada has advised trans people who are flying to bring a medical letter attesting to their status.[81] Many trans people have trouble accessing basic health care and are unable to get such letters. Namaste (2000) notes that some trans people have faced so much discrimination in the health care system that they avoid it altogether. Furthermore, the cost of the letter may be prohibitive for some. In the last chapter, I gave examples of trans people choosing between food and getting a letter from a psychologist attesting to their trans status. If cases do start to appear where trans people are barred from flying, it would be a good idea to review the policy and how it is applied to trans people, rather than to ask for a medical letter.

Nobody who referred to air travel mentioned ever having been refused access to a plane. Furthermore, I have found no documented cases of a trans person being denied boarding a plane because of this policy. As the saying goes, absence of evidence is not evidence of absence. Perhaps some trans people have been prevented from flying. The evidence does, however, allow us to be confident that this policy does not systematically bar trans people from flying, even those who have a gender presentation that does not match their identification documents.

Examining identity screening in airports reveals the ways in which policies are interpreted and how this meaning circulating in trans networks affects how people interact with policies. Trans information networks have many benefits. Trans people can get information about policies as well as the strategies that have allowed other trans people to successfully navigate imperfect policies. But as this example shows, they can also lead to policy mistakes. It would be unfortunate if a trans person were to deny themselves travel via an airplane in Canada due to the perceived nature of this policy's implementation. Such a policy failure would be the direct consequence of the transness framing.

McGill and Kirkup (2013) use the identity screening policy to illustrate that "there has been a great deal of legal activity relevant to the lives of trans Canadians in the past year" (p. 97).[82] The authors cite blogs as proof of the policy's relevance. Their mention of air travel is brief

[81] This was reported in Smith's *Toronto Star* article cited above.
[82] Currah and Mulqueen (2011) discuss an American version of this policy.

but telling.[83] Mcgill and Kirkup write that "many have argued that this provision presents potential challenges for trans individuals and others who do not conform to societal standards of gender presentation" (p. 96, note 1). The "many" they cite are blog entries and a student-run online news journal from Carleton University. None of the sources included examples of actual trans people being barred from a flight.[84] Although the authors do not treat the airplane policy in great detail, it is telling that this example was chosen to exemplify the "great deal of legal activity relevant to the lives of trans Canadians" (p. 97). This is a good example of academics fitting in a case to demonstrate the pertinence of their work without careful consideration.

McGill and Kirkup are no doubt well intentioned, but their method is problematic—especially since most readers will not question their claims because they are thought to be common sense. Linking trans people's gender to discrimination is second nature within a transness framing. Whether the framing is in media, trans networks, or academia, it leads to the common-sense notion that trans people are discriminated against because of their gender. Related statements, like "trans people are barred from flying because of their gender presentation" do not require evidential support because they are imputed to what is taken for granted. When there is a lack of evidence, the logic fills in the gaps, making the transness framing prone to misinterpretations like this example of airport security. A transness framing assigns the *Identity Screening Regulations* a high priority based solely on its proximity to gender. Academics must critically engage with this "trans discrimination" thinking shortcut. Otherwise, they will produce knowledge for and about policy leading to actions that are at best a waste of time and energy.

In contrast to a transness framing approach, centring on policy encounters gives a nuanced analysis of the gender components of the *Identity Screening Regulations*. It does so by examining the policy context (its implementation) and the policy situations in which people find themselves. This framing highlights how trans people become informed about the policy, and in consequence, the evolution of this drama. It encourages questioning whether any policy encounters with these regulations have led to trans people being barred from flights. Finally, it allows for identification of the policy mistakes that occur when trans people hesitate to fly based on the assumption that "all transgender people are barred from flying." In other words, this approach is able to think through the direct effects of the policy (of which there is little or no evidence) as well as the

[83] McGill and Kirkup's article is primarily focused on the *XY v. Ontario (Government and Consumer Services)*. This Ontario case changed the requirements for legal sex changes in the province.
[84] At least those still available today.

indirect effects (trans people thinking that they cannot fly). This is the kind of knowledge of and about policy that allows policy analysts to become advisers for people, productively contributing to their know-how. The next section will show that a policy encounters framing can also highlight priorities that the transness framing misses. As Butler Burke (forthcoming, 2016) has argued, despite attention to identity screening policy, there has been little recognition that refugee policies impact trans people.

Immigration and Refugees

Policy situations.

Nine participants came to Montréal or Toronto from outside of Canada. Most were from Latin America (Mexico, Venezuela, Columbia, and one other country[85]); one participant came from the United States; and one came from the Maghreb region. This distribution is coherent with anecdotal information from key informants in each city, who stated that most of the trans migrants they encountered were from Latin America, the Maghreb region, the Middle East, and South Asia. The participant from the United States and the participant from the undisclosed country in Latin America immigrated in the traditional manner. The woman from the United States had lived her entire adult life in Canada and was at the time of the interview a permanent resident. The woman from the undisclosed country in Latin America had received her Canadian citizenship when her parents immigrated (she was a minor at the time). The other seven participants who were migrants first gained status in Canada as refugees. One applied before coming and the other six applied once in Canada. A couple of participants had lived in the United States before coming to Canada. Of the seven interviewees who had applied for refugee status, two were first denied to then be later granted the status. Six applied successfully to become permanent residents, and the seventh was at the time of the interview in the process of applying. Two of these participants were in the process of applying for citizenship and three were now citizens.

[85] Unspecified so as to protect the participant's confidentiality.

These nine participants discussed several themes related to migration. They offered reflections on why they wanted or did not want to be become Canadian citizens, the health and social services they had had access to at different stages in their immigration process, the racism they encountered when dealing with bureaucrats and health professionals, and finally their views on immigration policy shifts.

These participants provided a variety of reasons for wanting or not wanting full citizenship—not all participants did. One woman in Toronto stated that she had no desire to become a citizen, as this would only change her right to vote. It should be noted that she was able to change her legal name in her country of origin (the United States). In many cases, the ability to change one's civil status was an important or determining factor. Permanent residents' civil status remains under the jurisdiction of their country of origin. The Canadian federal government regulates their identification papers and does not allow for any modifications to be made to the name or sex designation. If someone becomes a citizen, their civil status is henceforth the responsibility of their province of residence and can be changed in accordance to provincial law.

Four interviewees noted that their schooling or credentials were not recognised in Canada. Prior to immigrating to Canada, one was an engineer, one worked in information technology, and one was a health professional. The fourth participant's high school diploma was not recognised. Losing their accreditation had considerably affected their employment opportunities. The first interviewee found a job that did not require a degree (at a call centre). The second was in the process of gaining similar accreditation in Canada. The third was looking for an option that would allow him to stay in the health sector without having to undergo a lengthy degree. Meanwhile, the fourth had attempted to take high school courses to get her diploma but had dropped out when her housing situation became problematic—I referred to her story in chapter six; she stopped going to school because she felt unsafe walking to the bus stop.

Beyond replacing lost accreditation, some migrants had taken or were taking language courses, particularly those who had recently arrived in Canada, who saw these classes as key to integrating and finding work.[86] One exception was the woman who had started taking French classes when she was forced to leave her employment at the call centre because her manager had

[86] The only recent migrants I spoke with were in Québec and so it is not possible to compare the role of language classes in each province.

psychologically harassed her. Some interviewees had also accessed other job training through *Emploi-Québec* or community organisations in Toronto (e.g., at the Fred Victor Centre).

Trans migrants were more likely to consider the government to have a positive role in their lives than other interviewees. They described most of their encounters with street-level bureaucrats as positive:

> Interviewer: When you think of government here, would you say that they have had more of a positive role or a negative role in your life?
>
> Participant: Positive [. . .] the day that I arrived here, the immigration officers, they were very respectful with me and they gave me the permission to stay in the country. That was very positive, and the judge in my hearing, the one that accepted me, was a very nice human being.

Likewise, migrant participants spoke well of social workers, police officers, doctors, and others. This being said, a couple of them mentioned experiencing racism in these contexts:

> Participant: *Uh, quelques fois il y des personnes qui sont racistes, qui sont, aiment pas les immigrants, quelque fois, et les autres choses c'est beaucoup de bureaucratie pour faire quelque chose, ça prend du temps*.
>
> Interviewer: *Le racisme, ça prend quelle forme?*
>
> Participant: *Par exemple, certaines attitudes des fonctionnaires, par exemple, dans les CLSCs, j'ai une expérience avec une travailleuse sociale, elle m'a regardé comme si j'étais quelque chose* [half laugh]*, et* [elle était] *très mauvais avec moi.* [...]
>
> Interviewer: *Et vous avez dit que c'est une travailleuse sociale qui a été discriminatoire. Est-ce que c'est arrivé avec d'autres fonctionnaires?*
>
> Participant: *Oui peut-être, j'ai une autre expérience avec, quand j'ai commencé pour la transition, mon docteur de famille m'a envoyé à la Hôpital Général de Montréal, c'est une autre expérience, j'ai parlé avec une psychologue, parce qu'elle pense que nous venons de pays qui sont vraiment du troisième monde et que nous sommes analphabètes, c'est ça, mais c'est pas vrai*.

Not only did some bureaucrats have negative attitudes towards some immigrants, but participants noticed that the federal government was suspicious of them. One woman explained,

Participant: I have been noticing lately that politics have been getting very strict like against the immigrants, I don't know why [. . .] I got here in 2008, summer 2009 they start the visas, I arrived in April 2008 and it was summer or spring of 2009 when they started asking for visas.

The participant above was concerned that the government's attitudes towards refugees might mean that her status as a permanent resident would be revoked.[87] In fact, a few participants were worried about what would happen to their status. The woman quoted above also expressed relief that she had arrived before certain policy changes came into effect that would have made it more difficult for her to come to Canada.

At the time of the interviews, Parliament was considering Bill C-31, which would allow the Citizenship and Immigration minister to declare some countries "safe."[88] The assumption behind this bill was that the refugee claims from these countries were likely to be unfounded. I asked one woman, who brought up this bill, for her thoughts:

Interviewer: *Et si on revient au projet de loi C-31, uhm est-ce que vous pensez que, si le projet passe et on déclare que le Mexique c'est un pays sauf.*

Participant: (laughs) *ouff...*

Interviewer: *Alors là, est-ce que vous seriez d'accord avec ça?*

Participant: *Non non... non.*

This woman had herself arrived from Mexico as a refugee. She explained

Participant: *Au Mexique c'est difficile pour nous, il y a beaucoup de discrimination, beaucoup de violence avec les personnes trans, beaucoup de, "machisme"?, machismo et la religion c'est catholique, sont très contre les gais et les transsexuelles et c'est difficile. La police aussi, oui demande de l'argent toujours ... pourquoi? "parce que tu es transsexuelle et c'est interdit," mais c'est pas interdit! C'est pas interdit, mais qu'est-ce qu'on peut faire? . . . il y a beaucoup de corruption là-bas*.

Another interviewee from Mexico described it as follows:

Participant 2: [Being in Canada] is like taking a break, because in Mexico, wherever you go, for me it was kind of, you know, like being in hell. Thinking that if

[87] I will discuss this policy in more detail in the next section.

[88] *Protecting Canada's Immigration System Act* (S.C. 2012, c. 17) received royal assent on June 28, 2012.

> I changed my sex and my appearance it would help me much, no not really, it was not the best idea [. . .] In Mexico, they kill trans women, they beat them up, they beat them up, they put them in jail for no reason. One time I was at the beach, taking the sun, and there were a couple guys close to me and they start talking to me, trying to get smart with, and start touching me. And I asked them to please leave me alone, I wanted to be, I was all by myself. And the police show up and they took the three of us to the jail. I said, "What are you taking me for?," "Ah because you are doing indecent exposure." I said "What are you talking about? I am on the beach, I am wearing a bathing suit," "Ah nonono, come on." I did not feel safe, for no reason I end up in jail, for trying to be on the beach. If I am doing something illegal I understand, but I was not doing anything illegal. They should take the two guys not me, and they took me with them. And they made me pay a fine, and I had very little money, and I had to call a friend to borrow money.

Interviewer: So not a very good experience.

Participant 2: No, and that was one experience, I have.. ouff! I could make a booklet.

These participants' experiences can be considered alongside a report produced by University of Toronto law students to be used in refugee proceedings involving someone from Mexico where the claim is based on sexuality or gender identity. The report reviews "relevant legislation, case law, scholarship, documentation from government agencies, non-governmental organizations, and the media" (University of Toronto Faculty of Law, 2011, p. 2). Their findings for trans Mexicans are summarised as follows:

> The situation for trans people in Mexico is particularly dire. Of all sexual minorities in Mexico, they are reported to be at the greatest risk. Treatment of trans people by members of the police and military forces has reportedly included mass detentions, extortion, and physical abuse. The situation is even worse for trans people who engage in sex work, and this is well-documented in the work of several academics. Also, while the law in Mexico City permits name changes after sexual re-assignment, some reports detail the impracticality of the process in the form of delay, high costs, and the discretion exercised by civil servants. (p. 3)

I have highlighted the experiences of trans migrants coming from Mexico here because many of the policy shifts discussed in the next section are directed at Mexicans. It should be noted, however, that others described similar experiences in different countries. For example, I asked a Venezuelan woman where she was from. She simply answered "From hell."

The above summary shows that participants discussed diverse experiences related to immigration. They had an overall positive view of the Canadian government's role in their lives, but they faced some challenges. They were not able to change their civil status until they were citizens, their credentials were not recognised, and they were concerned by negative government attitudes towards immigrants as well as new government policies for refugees. To understand the last two points, it is necessary to review refugee policy shifts between 2009 and 2014. Once this has been done, I will examine participants' policy encounters with immigration and refugee policy.

Shifts in the refugee policy context 2009–2014.

A few participants discussed recent changes in refugee policy. Indeed, the policy shifts between 2009 and 2014 are guided by a clear anti-refugee agenda. The Canadian government has attempted to reduce its responsibility towards asylum seekers arriving in its borders (Labman, 2011). In addition, following the arrival of two cargo ships of asylum seekers on the British Columbian coast, the government has worked to change the language surrounding asylum seekers. According to a report by Envisioning Global LGBT Human Rights, "the Conservative government manipulated these events through its consistent use of terms such as 'bogus claimants' and 'queue jumpers' and allusions to potential terrorists, thereby advancing a conservative legislative response" (Sajnani, 2014, p. 14). The same language has been used to justify a series of immigration and refugee law amendments that serve to restrict the flow of people across the Canadian border. Changes like requiring visas from Mexican nationals entering Canada have been adopted with the explicit intention of reducing the number of refugee claimants (see, e.g., Citizenship and Immigration Canada, 2009). Gilbert (2013) argues requiring visas from Mexican travellers "extend[s] the discourse of criminality to refugee claimants, that is, to those who have submitted an asylum claim and even those who have no intention of filing a

claim because they now belong to a targeted national group" (p. 147). The link made between transness and terrorism in the context of identity screening was based on common-sense assumptions rather than evidence. In contrast, Gilbert's claim that new policies assume migrants are criminals and terrorists is based on government actions and justifications.

Given the context, it is not surprising that participants were attentive to government attitudes and that they worried about how future changes might affect them. The biggest impact that these policies will have is on future potential refugee claimants, trans or not. Interviewee experiences thus offer a unique occasion to reflect on the fate of those who would have followed.

Such a review is made difficult by the sheer complexity of immigration and refugee law and policy. The *Immigration and Refugee Protection Act* (2001) is the most detailed and specific law that I have studied. It also covers a large terrain: who can enter and stay in the country, who has what rights, how one may apply for various statuses (like refugee status), how one might lose one's status, and so on. The act takes into consideration international treaties and agreements with the provinces. It also has consequences for dozens of Canadian laws like the *Aeronautics Act* discussed in the first part of this chapter. The *Immigration and Refugee Protection Act* is therefore at the centre of an intricate web of policies.

In addition, the *Immigration and Refugee Protection Act* is very precise in the powers it grants to the Citizenship and Immigration minister, to government bodies like the Immigration and Refugee Board, and to government workers like immigration officers. It is more specific than the other laws studied by this project in outlining what can be decided through regulations, by ministerial order, and by street-level bureaucrats (see also *Immigration and Refugee Protection Regulations,* 2002). As explained in chapter two, more rules do not always mean that street-level bureaucrats lose all discretionary power—recall Bouchard and Carroll's (2002) study of immigration officers. In liminal cases, these officers have the discretion to recommend an individual for immigration. The complexity of the rules increases the chances that immigration policy will need to be interpreted and applied, a fact that will become clear as this discussion progresses. With these difficulties in mind, the following overview will focus on four main policy shifts that occurred between 2009 and 2014: changes to visa requirements, designated countries of origin, processing times, and health care coverage.

Visas.

Before entering Canada, every person must appear before an examination officer who will determine if they have the right to enter (*Immigration and Refugee Protection Act,* Section 18). Those without status in Canada are referred to as foreign nationals. The law stipulates that

> **20.** (1) Every foreign national, other than a foreign national referred to in section 19, who seeks to enter or remain in Canada must establish,
>
> (*a*) to become a permanent resident, that they hold the visa or other document required under the regulations and have come to Canada in order to establish permanent residence; and
>
> (*b*) to become a temporary resident, that they hold the visa or other document required under the regulations and will leave Canada by the end of the period authorized for their stay. (Part 1, Division 30, 20.1)

Although a visa is required to enter, there are exceptions for many countries. For example, an American does not need a visa to visit Canada. Until recently, Mexicans could also enter Canada without a visa. In 2009, the regulations related to section 20.(1)(b) of the act were modified, removing the visa exception for Mexican nationals (see Citizenship and Immigration Canada, 2009; *Immigration and Refugee Protection Regulations*, 2002, s.190).[89] The Canadian government's press release explained that the policy aimed to limit the number of Mexicans that could enter the country in order to claim refugee status (Citizenship and Immigration Canada, 2009). The number of refugee claimants present in Canada coming from Mexico had increased over the previous decade to peak in 2009, at 21,118 claimants. After the new visa policy came into effect, the numbers dropped significantly, and by 2012, there were 7,944 Mexican claimants in Canada (Citizenship and Immigration Canada, 2012a).

When the visa requirement program was evaluated by Citizenship and Immigration Canada, the overall drop in Mexicans making refugee claims was evidence of the policy's effectiveness. But the evaluation did not consider the numbers that could tell us about the effects of this policy for asylum seekers, Mexican or otherwise—namely, the number of people receiving

[89] The government had also annulled the exemption for the Czech Republic, but later reversed this decision, which is reflected in the cited regulations.

refugee status. The evaluation did include interviews with key informants to measure perceptions of the visa policy's ability to balance protection and facilitation. They found that "CIC's visitor visa policy, supported by other tools with similar objectives, is largely perceived to have successfully achieved a balance between protecting the integrity of its immigration and asylum system and the facilitation of bona-fide travel to Canada" (Citizenship and Immigration Canada, 2012b, p. 38). The key informants were Citizenship and Immigration Canada managers, bureaucrats from protection-oriented departments like the Royal Canadian Mounted Police, and bureaucrats from facilitation-orientated departments like the Canadian Tourism Commission. In other words, balance between protection and facilitation was examined in term of security versus economy. Nowhere was the importance of giving refugee status to people in need of protection considered. As mandated by the *Immigration and Refugee Protection Act*, one of the primary objectives of Canada's asylum program is "to recognize that the refugee program is in the first instance about saving lives and offering protection to the displaced and persecuted" (3.2a). Should not then the impact of visa requirements on potential refugees at least be measured?

Designated countries of origin.

A second major policy shift that took place during this project was the creation of designated countries of origin (DCO) in 2010 (*Balanced Refugee Reform Act,* 2010; see also *Protecting Canada's Immigration System Act,* 2012). According to Citizenship and Immigration Canada,

> Too many tax dollars are spent on asylum claimants who are not in need of protection. Canada is currently receiving a disproportionately high number of asylum claimants who come from countries that historically have very low acceptance rates at the independent Immigration and Refugee Board of Canada (IRB). (2013a, para. 1)

A DCO is applicable for an entire country, making no distinction between populations. As Sajnani (2014) argues in her report for Envisioning Global LGBT Human Rights, "minority populations within a country can suffer from human rights violations that the state cannot effectively protect them from, even when that state is seemingly democratic and generally enjoys rule of law" (p. 16). Likewise, the Canadian Association of Refugee Lawyers (2012) has warned that "even though a country is deemed to be safe for some people, it may still be extremely

dangerous for others" (para. 3). These conclusions are relevant for trans people. It is possible for trans people to face persecution in a country where most people do not. For example, the University of Toronto Faculty of Law report discussed above found that trans people's situation in Mexico was dire (2011). Again, the Canadian government has an exclusive concern for decreasing the number of refugee claimants, without consideration of the impact of its policy on refugees. It is able to do so by centring an argument on rates of approval instead of the absolute number of accepted and rejected claims.

A DCO can be determined in three ways. A country can be declared safe if a certain percentage of refugee claims have been rejected, unfounded, or abandoned (*Immigration and Refugee Protection Act*: Part 2, Division 2, 109.1(2)(a)(i)). By way of a ministerial order in 2012, the threshold for 109.1(2)(a)(i) was established at 75% (Citizenship and Immigration Canada, 2012e). Second, the minister can also declare a country safe if a certain percentage of refugee claims are abandoned or withdrawn (*Immigration and Refugee Protection Act*: Part 2, Division 2, 109.1(2)(a)(ii)). In this instance, the rate is set at 60% (Citizenship and Immigration Canada, 2012e). Finally, the minster can declare that a country is safe when

> (*b*) in the case where the number of claims for refugee protection made in Canada by nationals of the country in question in respect of which the Refugee Protection Division has made a final determination is less than the number provided for by order of the Minister, if the Minister is of the opinion that in the country in question
> (i) there is an independent judicial system,
> (ii) basic democratic rights and freedoms are recognized and mechanisms for redress are available if those rights or freedoms are infringed, and
> (iii) civil society organizations exist. (*Immigration and Refugee Protection Act*: Part 2, Division 2, 109.1(2)(b))

The third way to declare a country "safe" is if the minister believes that the country in question is indeed safe: that it has an independent judicial system, that the state protects citizen's rights, and that there is a civil society.

In 2013, a ministerial order declared Mexico to be a DCO as per section 109.1(2)(a)(i) (Citizenship and immigration Canada, 2013b).[90] Thus, at least 75% of claimants from Mexico had been rejected or had abandoned their claim during a set period of time, as determined by the

[90] Israel and South Korea were also designated as such through the same article.

minster. This designation has many consequences for people claiming refugee status. It means that they have less time to prepare their case and gather evidence (30–45 days instead of 60); they have no right of appeal; it is harder for them to obtain protected status through a pre-removal risk assessment (PRRA); and they receive fewer social and health services while their claim is being considered. Each of these points is discussed below. If fewer people are then able to make their case, the rate of acceptance will go down, justifying the "safe" designation. It is of interest here that one of the participants from Mexico was first rejected and subsequently granted the right to stay. Had she arrived after this policy was put into place, it would have more difficult for her to obtain her status and she may have been sent back to Mexico. She would have been classified as an unfounded claim and this would have in turn helped justify Mexico's designation as safe—not to mention that the participant would have potentially risked death. In 2012, a trans woman was denied refugee status in Canada, returned to Mexico, and was subsequently shot dead outside her home in Toluca (see Butler Burke, forthcoming 2016; Namaste, April 2014; Velázquez, *La Prensa,* December 7, 2012).

In respect to DCOs, and in particular Mexico's designation, we can identify many problematic issues. This designation cannot make distinctions for minority populations that face greater risks of persecution than the majority of the population. Furthermore, despite DCOs being dubbed "safe countries," the minister can make such a designation without believing that a country is indeed safe. In addition, the designation is based on the percentage of cases that are resolved without regard for the number of cases won on appeal or the total number of "legitimate" claims.[91] Three participants in this study arrived as refugees from Mexico and were found to be legitimate claimants. Finally, the ability of future potential refugees to make a claim must be protected. This ability is eroded when claimants only have 30 to 45 days to prepare their case for the refugee board. This shortened time span is part of a larger attempt on the part of government to minimise the time claimants spend in Canada before being processed (see Government of Canada, 2014).[92]

[91] For example, if a country has an acceptance rate of 25% (inverse of the 75% threshold), that means there are 250 people in need of protection for every 1,000 claims.

[92] On July 23, 2015, the Federal Court ruled that claimants from a DOC who are rejected as refugees can appeal to the Refugee Appeal Division, *Y.Z. v. Canada (Citizenship and Immigration)*. In November 2015, Prime Minister Trudeau included the following directive in his Minister of Immigration, Refugees and Citizenship Mandate Letter: "Establish an expert human rights panel to help you determine designated countries of origin, and provide a right to appeal refugee decisions for citizens from these countries" (n.p.). As of February 10, 2016, the expert panel has not yet been established; however, the right to appeal has been granted.

Processing time.

The Canadian Bar Association has expressed concern over changes made in 2012 to processing times (2012). "Basis of claims" documents now have to be submitted within 15, instead of 28, days of arrival (form on file with author). This 12-page form invites potential claimants to detail why they are claiming refugee status, to explain what would happen to them if they were to return to their country of origin, and to support their claims with documentation. Considering potential lived trauma, language barriers, and the complexity of the form, 15 days is not a lot of time.

According to the new policy, all refugee hearings should occur within 30 to 45 days for claimants from DCOs and within 60 days for claimants from elsewhere. According to the Canadian Bar Association (2012),

> Applicants and counsel need time to prepare the case, disclose documents, and in many cases, retain expert witnesses such as psychologists and doctors. Credible expert opinion on psychological conditions often requires multiple meetings between the expert and applicant. In some cases, claimants require time to obtain documents from the country from which they fled, including identity documents, police and medical reports or other evidence to confirm the veracity of their claim. When this documentation is obtained, it often needs to be translated. (p. 17)

The Canadian Bar Association (2012) recommends that hearings take place within four months, so as to allow the claimant more time to gather their evidence. The time constraint mandated by government is an obstacle for many trans claimants. Several interviewees arrived with thick files of police reports and health care documents, but they needed time to get them translated and to properly fill out the form (some did not speak French or English upon arrival). Furthermore, the shortest time frame I have a heard of, in which a trans person has been able to obtain a letter from a psychologist attesting to their trans status, is three months. Moreover, just learning about the various options available in terms of hormones and surgeries, can take time. I give a detailed example when recounting interviewees' experiences of the immigration process below, but first I address one last policy change.

Interim Federal Health Program.

A refugee claimant or a refugee is not generally covered by provincial health care because they fall under the federal government's responsibility. The Interim Federal Health Program (IFHP) provides some health coverage for certain refugees or refugee claimants. I conducted interviews with trans participants between April and June of 2012. During this time, the IFHP was being revised. The government first announced that it was going to make cuts to this program in May 2012. The government then issued an Order in Council[93] (*Order Respecting the Interim Federal Health Program*, 2012), made a policy announcement (Citizenship and Immigration Canada, 2012d), and released a summary chart (Citizenship and Immigration Canada, 2012c). These documents explained changes that took effect on June 30, 2012.

The new version of the IFHP differentiated between four levels of health coverage: expanded health coverage, health care coverage, public health or public safety health coverage, and no coverage. *Expanded health coverage* was intended for people with refugee status who were receiving income support. It covered basic health care, some medications, as well as vision and other services, much like people with social assistance receive. *Health care coverage* was for status refugees as well as claimants who had not been rejected, excluding claimants from a DCO, and it covered emergency care and essential care. The *public health or public safety health coverage* was for those who had been rejected as refugees (an individual who has been rejected is not immediately deported, they may apply for a PRRA,[94] appeal, or wait for a removal order to be issued) and for refugee claimants coming from DCOs. They received care

> only if required to diagnose, prevent or treat a disease posing a risk to public health or to diagnose or treat a condition of public safety concern:
>
> (a) hospital services;
>
> (b) services of physicians licensed in Canada and registered nurses licensed in Canada;
>
> (c) laboratory and diagnostic services; and

[93] An Order in Council is issued by the Governor General on the advice of the Queen's Privy Council, in other words the cabinet (in this case the Minister of Citizenship and Immigration). Jason Kenney was the Citizenship and Immigration Minister from 2008 to 2013.

[94] The PRRA is meant as a safeguard against sending someone to a country where they would be in danger. If someone is successful in their PRRA application, they gain the status of a protected person.

(d) immunization and medications. (Order Respecting the Interim Federal Health Program, Article 1)

The public health or public safety health coverage did not apply to a serious illness unless it was considered by government to pose a risk to the general population—like tuberculosis or HIV/AIDS (see also Barns, 2013).[95] Other potentially fatal health conditions such as cancers and diabetes were not covered. A fourth category of coverage was for people who were not applying (or not eligible) for refugee status and who were waiting for their PRRA. They had no coverage whatsoever, even if lack of care put them at risk of death. The government's official stance when someone with public safety health coverage or no coverage has a life-threatening illness was to let them die. When the change was first announced, Citizenship and Immigration Canada argued, "after the changes are implemented, cost savings are projected to be about $100 million over the next five years" (2012d, para. 6).

Doctors and provincial governments reacted to this policy. Twenty-one national medical associations expressed concern (see *Canadian Doctors for Refugee Care v. Attorney General of Canada*, 2014). Already, in July 2012, the Québec government took on the responsibility to cover the health costs that had been cut, and in August of the same year the *Régie de l'assurance maladie* published a newsletter confirming the policy (August 12, 2012). In December 2013, the Ontario government announced that it too would cover these health costs as of January 1, 2014 (Ontario, Ministry of Health and Long-Term Care, 2013a, 2013b).[96] A few months later, Ontarian physicians reported long delays (of up to four months) to determine the eligibility of refugees. These wait times were said to be a result of unnecessary federal bureaucratic delays (Canadian Doctors for Refugees, 2014). There have also been reports of doctors refusing patients covered by IFHP due to the complexity of the program and confusion over eligibility (*Canadian Doctors for Refugee Care v. Attorney General of Canada*, 2014). So although all refugee claimants in Toronto and Montréal should today receive health care, there may still be some that fall through the cracks.

[95] The same governmental logic that positions HIV as a public health risk (and works to criminalise those living with HIV) grants this class of refugee claimants access to anti-retroviral treatment as well as hospital services and medications needed to combat AIDS-related diseases and opportunistic infections.

[96] To my knowledge, Alberta, Manitoba, Saskatchewan, and Nova Scotia are the only other provinces to have taken similar measures (Ontario, Ministry of Health and Long-Term Care, 2013b).

Believing that this new policy was inhumane, a group called Canadian Doctors for Refugees was formed. They, along with several other complainants,[97] took the government to court. The Federal Court determined "that the 2012 changes to the IFHP are causing illness, disability, and death" (*Canadian Doctors for Refugee Care v. Attorney General of Canada*, 2014, para. 1049). The court heard from the complainants as well as expert testimony that detailed the health complications suffered by refugee hopefuls. Some, left to die by the government, had only survived because pharmaceutical companies and doctors offered free medication and medical services on compassionate grounds. Furthermore, the court agreed that even people who were eligible for health coverage were sometimes being turned away by doctors, due to the complicated nature of the policy and confusion over who is indeed covered for what. The Federal Court found that the new IFHP violated section 12 of the Charter of Rights and Freedoms: "Everyone has the right not to be subjected to any cruel and unusual treatment or punishment" (1982). The IFHP was also found to violate Section 15 of the Charter: "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination." The IFHP was found to be discriminatory because it determined health care coverage based on country of origin, and thus on the basis of nationality. The federal government was forced to slightly change the program, but it remained adamant that the changes would be temporary as it awaited the appeal (Citizenship and Immigration Canada, 2014a).[98]

Not only are policy changes between 2009 and 2014 (visas, DCO, processing times, and IFHP) important, they help further nuance reactions to the *Identity Screening Regulations* discussed above. As previously discussed, none of the participants had encountered problems trying to fly nor did they know anyone who had. Because interviews were finished by the time most of the above immigration policy changes had occurred, none of the participants' experiences can speak directly of their effects. Both policy changes—identity screening and immigration—represent a theoretical problem. But while no evidence exists of a trans person being barred from flying, there are signs that anti-refugee policies are affecting migrants. For example, as noted above, the total number of Mexican refugee claimants has dropped and the Federal Court found

[97] The Canadian Association of Refugee Lawyers, Daniel Garcia Rodrigues, Hanif Ayubi and Justice for Children and Youth.

[98] The new Liberal government has reinstated IFHP basic health care coverage as well as Public Health or Public Safety prescription coverage (when required to prevent or treat a disease posing a public health risk or to treat a condition of public safety concern) for refugee claimants and rejected refugees. The change took effect in December 2015.

changes to the IFHP to have been causing death and illness. So, whereas both policies have the potential to affect trans people's lives, there is more evidence that the anti-refugee policy will affect trans people. As in the case of the *Identity Screening Regulations,* the changes to immigration policy caused worry amongst participants. Furthermore, in both cases, there was public outcry: in the first from bloggers and media, and in the second from doctors, provincial government, and media. Yet the transness framing has only caught on to the potential threat of the *Identity Screening Regulations*. Already, the policy encounters framing allows for a more nuanced examination of possible trans priorities. As I noted earlier, the dearth of work on trans migrants means that describing their experiences is equally an important contribution. With that in mind, the next section addresses the immigration process in light of interviewee experiences.

The refugee and immigration process: policy context and encounters.

Having reviewed some of the changes made to immigration policy, I now look at the immigration process for those arriving as asylum seekers. I link this context to participants' experiences of these policies. Refugee status can be granted to two classes of people: Convention refugees and persons in need of protection. Relevant here are articles 96 and 97 of the *Immigration and Refugee Protection Act*:

> **96.** A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,
> (*a*) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themself of the protection of each of those countries; or
> (*b*) not having a country of nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country.
> **97.** (1) A person in need of protection is a person in Canada whose removal to their country or countries of nationality or, if they do not have a country of nationality, their country of former habitual residence, would subject them personally
> (*a*) to a danger, believed on substantial grounds to exist, of torture within the meaning

of Article 1 of the Convention Against Torture; or

(*b*) to a risk to their life or to a risk of cruel and unusual treatment or punishment if

(i) the person is unable or, because of that risk, unwilling to avail themself of the protection of that country,

(ii) the risk would be faced by the person in every part of that country and is not faced generally by other individuals in or from that country,

(iii) the risk is not inherent or incidental to lawful sanctions, unless imposed in disregard of accepted international standards, and

(iv) the risk is not caused by the inability of that country to provide adequate health or medical care.

(2) A person in Canada who is a member of a class of persons prescribed by the regulations as being in need of protection is also a person in need of protection. (Part 2, division 1, articles 96-97)

Article 96 refers to refugees as defined by the United Nations Convention Relating to the Status of Refugees (1950). A trans person falling under this article would argue that they are part of a social group that is persecuted and that they are unable to rely on the state for protection. Article 97 refers to other protected persons in part on the basis of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). A trans person falling under article 97 would have to demonstrate fear for their life, that the state could not protect them, and that they would face the same risk in other parts of their country of origin. Importantly, article 97 also specifies that health reasons (like HIV/AIDS) are not admissible. Likewise, if the claimant is living in a dangerous situation that affects everybody (e.g., violence stemming from the war on drugs), they do not meet the requirements.

One can apply for a refugee visa while in one's country of origin, but most participants I interviewed applied for refugee status once they arrived in Canada. An immigration officer first assessed if their claim was eligible. Applications are ineligible (*Immigration and Refugee Protection Act,* Part 2, division 2, article 101) if the claimant already has refugee status in Canada or in another country, has already been rejected or has abandoned a claim, or poses a security risk; they are also deemed ineligible if "the claimant came directly or indirectly to Canada from a country designated by the regulations, other than a country of their nationality or their former habitual residence" (Part 2, division 2, article 101 e).

The last criterion (101e) is of particular interest to participants. As of 2004, regulations have changed, following an agreement with the U.S. government (Canada and United States, Safe Third Country Agreement, 2002). If the claimant comes through the United States, they will not be considered.[99] Thus, a refugee claimant who first spent time in the United States has to apply in the United States and not in Canada. One participant had to go back to Mexico before being able to then come directly to Canada in order to apply. Another returned to Venezuela before coming to Canada. In both cases, the motives for leaving the United States were related to heightened suspicion of migrants after 9/11. The two women were unable to secure status in the United States, but it was unsafe for them to live in Mexico or Venezuela. Although the United States would not accept them, both were deemed to be legitimate refugees by the Canadian government. The cost of travelling to Latin America to then come to Canada is not within reach for all migrants. Again, this policy limits the number of possible claimants without consideration for its impact on refugees.

Coming back to the refugee application process, once the immigration officer is satisfied that a refugee status application is eligible, it is sent to the Refugee Protection Division, which will make one of two decisions (see Part 2, Division 2, 107):

a) Accept the claim as legitimate, and the claimant will receive refugee status.

b) Reject the claim, and if warranted specify one of the following:

- "no credible basis for the claim": if they are of the opinion that no credible evidence was offered
- "manifestly unfounded": if they are of the opinion that the claim was fraudulent

In making their decision, members of the board can take into account any proof the claimant might have of persecution as well as evidence from their country of origin: its human rights record. Once again, these cases take substantial time to prepare.

The burden of proof for refugee status is on the claimant, who must provide compelling evidence that they fear persecution or that their life is in danger: "Claimants may have a subjective fear that they will be persecuted if returned to their country, but the fear must be assessed objectively in light of the situation in that country in order to determine whether the fear is well founded" (Immigration and Refugee Board of Canada, *Legal references* 2015, 5.3). When

[99] Unless the claimant is coming to be reunited with family or is a minor. Another exception is if the claimant is an American citizen looking for protection.

a tribunal decides, it follows the standard of proof principle known as "reasonable or serious possibility."[100] Thus, the claimant must prove that persecution or risk of death is not only possible but likely. They do not need to show that it is more likely than not but that it is a serious possibility.

It is important to distinguish between a claimant's situation and what they can prove. If they arrive from a country where little is known about the situation of trans people, there will be an added barrier to demonstrating that their fear has an objective basis. Also, there are several degrees of separation between evidence of reasonable or serious possibility and a "bogus" or abusive claim. But a decision that rejects a claim and specifies "no credible basis for the claim" can be used to determine a DCO. The DCO policy is justified by the Canadian government, as shown in a previous section, as a means to prevent bogus claims. But the refugee system already has in place a means to deal with these abuses. When a tribunal finds that a claim is manifestly unfounded or fraudulent, it is not possible to appeal the decision (*Immigration and Refugee Protection Act,* Part 2, division 2, 101(2)(c)).

Two participants explained that they were at first rejected but afterwards received the status of a protected person, possibly through an appeal. In such a case, the participant from Mexico would have been out of luck had she arrived after Mexico became a DCO. It is possible, however, that these two individuals were granted the status following their PRRA. If a removal order is issued for an individual, they may apply for a pre-removal risk assessment.[101] Officially, this review assesses any changes in the country of nationality's situation. It works as a safeguard to try to make sure that people are not sent back into a dangerous situation.

In both cases where a participant was first refused refugee status, it was due to a conflation of transsexuality and sexual orientation. In one case in particular, a young man from the Maghreb region did not know what transsexuality was when he first arrived. He was refused the status, but later, after being connected to the right organisation by a social worker, he was better able to explain who he was, in terms that would be understood by the immigration board. This process took time, which is why any policy that shortens the refugee process in the name of

[100] This is not official, but it is the recommendation of Legal Services at the Immigration and Refugee Board of Canada. They state, "The preferred position of IRB Legal Services is that all three grounds for protection should be decided using the same standard of proof, namely the *Adjei* test, 'reasonable chance or serious possibility.' The test is premised on the prospective nature of the risk and that same prospective element is present in all three protection grounds" (2002, p. 37–38).

[101] This was the case, as long as it has been 12 months or 36 months (if coming from a DOC) as the board rejected their claim.

efficiency also brings risks for trans people. I will examine his case in more detail in the next section.

If someone is granted refugee status, they can apply 12 months later to become a permanent resident. Once a person has been a permanent resident for two years, they may, if eligible, apply for citizenship (*Citizenship Act,* 1985; *Citizenship Regulations,* 1993). At this point, they must prove their residency, demonstrate proficiency in one of the official languages, and take a citizenship course. Some requests may require additional information (e.g., fingerprints), adding extra wait time. According to Citizenship and Immigration Canada, 80% of normal cases are resolved in 24 months, while 80% of cases requiring further information are resolved in 36 months (2014b).[102]

Overall, the immigration process can easily take seven or more years: about a year to gain refugee status, two years to then have permanent residence status, four to five years to get citizenship. During this time, migrants cannot change their civil status in Canada. They must also pass through several examinations (hearings, a medical examination, language and citizenship tests), explain themselves to various street-level bureaucrats (legal aid lawyers, immigration officers), and navigate forms and procedures. In other words, trans refugee claimants need many skills and strategies to make their way through the immigration system.

Skills and strategies.

Finding one's way through the refugee process takes many skills. Participants needed to be able to communicate their situation to immigration officers and judges—something that really came to light in the story of a transsexual man from the Maghreb region. After his first attempt failed, the participant contacted a migrant rights organisation that helped him find a legal aid lawyer. Here is how he described what came next:

> Participant: *J'ai trouvé une avocate, elle commence avec moi la procédure, j'ai fait la demande, la première chose j'ai gagné* [*c'était*] *le droit de rester ici pour profiter de prendre des informations, c'est ça, mais quand même mon*

[102] At least one participant had to give fingerprints, lengthening the process. At the time of the interview, she had not yet become a citizen of Canada.

objectif, K, je dis ça, mais je n'avais pas la décision pour rester ici beaucoup, je restais juste pour les informations, pour savoir c'est qui moi. [. . .] *L'avocate m'a envoyé chez une travailleuse sociale, la travailleuse sociale commence avec moi presque deux mois, quelque chose comme ça, après elle m'a expliqué "lgbt," pour savoir c'est qui moi, elle m'a expliqué "l" c'est lesbien, "t" c'est trans. Elle dit "où te trouves-tu?," alors sans doute j'ai dit "je suis ici, je suis trans, je me sens comme ça."*

Interviewer: [...] *elle n'a pas assumé, elle a dit "ça c'est le choix, où est ce que tu te trouves" ?*

Participant: *Exactement, elle commence avec moi, alors quand je dis ça, ok on a trouvé le point, même juste qu'elle me raconte ça, j'étais heureux. Ok je suis qui moi, je découvre des choses très intéressantes, ça commence le bonheur à rentrer dans mon corps quand on me dit ça, j'étais pas… On me donne la confirmation que j'ai raison que je ne me sens pas bien, les croyances que j'ai c'est exact, c'est vrai, donc ce qui n'est pas vrai c'est la société, donc ça c'est la première étape.*

Interviewer: *C'est gros.*

Participant: *Oui.*

Interviewer: *Alors une fois qu'elle t'aide à trouver un mot, qu'est-ce qui s'est passé?*

Participant: *Après je ressens que je suis ça, je suis libre, ma vie commence à changer, j'étais même pas gêné, je sais ce que je veux, j'ai été au coiffeur, je coupe comme je veux, c'est fini* [. . .] *je commence avec le psychologie, comme j'ai dit c'est qui paie, c'est le gouvernement qui paie, elle m'a aidé la travailleuse sociale, elle m'a aidé beaucoup, donc après j'ai commencé avec un psychologue.* [. . .] *j'étais nouveau, donc je ne pouvais pas dire ça c'est bon, ça c'est mieux pour moi, donc j'ai laissé le choix à la travailleuse sociale, donc elle fait un effort et contacter des trans, donc c'est eux qui donnent la référence d'une psychologue* [. . .] *moi dans cette période j'ai sorti tout ce qui était caché au fond de moi*. [. . .]

Interviewer: *Et c'est après quelques mois ensuite qu'on t'a écrit une lettre?*[103]

[103] Here I am referencing a previous comment the interviewee had made.

Participant: *Oui exactement, il m'a donné une lettre, mais tu sais quand il m'a donné une lettre, j'ai fait la première opération, avant si tu me donnes des questions j'aurais commencé à pleurer, après ça je ne pleure pas, donc la vie devient belle pour moi, donc si je raconte comme ça* [*sans pleurer*]...

Interviewer: *c'est bien.... Où es-tu rendu maintenant dans le processus d'immigration?*

Participant: *2010, ils ont accepté mon dossier* [*de réfugié*]*, je suis maintenant résident permanent.*

Interviewer: *Et qu'est-ce qui a fait en sorte qu'on a accepté ton dossier?*

Participant: *Donc les lettres de psychologue, donc ils peuvent confirmer que je suis un homme.*

This man needed the time to learn about transsexuality and its relation to his experience in order to be able to put into words why being sent back would endanger his life. What emerges nicely in the above interview segment is that multiple individuals were involved over the course of several months in helping the interviewee through the processes of self-discovery and migration. He was put into contact with a migrant rights organisation, a legal aid lawyer, a social worker, and a psychologist. They informed him about his choices and made decisions on his case that were policy relevant. For instance, the psychologist recognised that he was a transsexual and wrote a letter that helped him gain refugee status.

Explaining oneself is not limited to being able to discuss one's transness but also about determining with whom one can trust one's story. The following participant explained what happened when she landed at Pearson International Airport:

Participant: [My friend] told me that "the only country that will accept you is Canada." I did not even know where Canada was on the map, I did not finish my high school anyways [. . .] as the plane is up I said "Ok, I am free" as soon as I arrive at the Toronto airport and I get the first interview "What do you want to do here in Canada?" This was the officer asking me. "Ah I want to have a vacation and I want to have a good time." But those people are not stupid, I can't lie, I can't, and then I get transferred to one Spanish speaking officer, immigration officer, he said "Ok you want to see Niagara, you want to see this and that" and talking about the waterfall [. . .]

> and then I go "OK let's speak clear." I said "I don't want to see anything, I can see later on, but I want refugee here because my life is in danger, I want to save my life, I want Canada to save my life, please help me." Then I bring all the file, big file, with all the crimes of my people, and I start to scream and to cry, because I was afraid to go back to Venezuela. He said "Listen, be quiet, take it easy, because I want to help you, because I married a Venezuelan woman." As soon as he told me that "Ok, ok" no drama. "What happened to you?" he said. "Oh, you know, I am danger, people throw me into any jail, all my generation get killed."

Had she not been honest, her story might have ended quite differently. Instead, she got to take the first steps with a sympathetic immigration officer. That split-second decision is a form of know-how. She also noted having with her a folder with documentation proving police harassment. A few interviewees noted having gathered as much documentation as possible before coming to Canada. This was an important strategic step that facilitated their approval later on.

Another interviewee, a Mexican trans woman who had arrived with her boyfriend, had been appointed an ineffective lawyer. She decided to fire the lawyer and hire her own, while her boyfriend kept the one that had been assigned. She explained that although she was allowed to stay, he was denied status. She in part attributes this fact to the lawyer in the case. Deciding what to share with immigration officers, preparing documentation before coming to Canada, and difficult decisions about lawyers are three examples of trans people making strategic choices in order to facilitate their relationship to policies. This concludes the final section on immigration and refugee policy encounters.

Comparing the *Identity Screening Regulations* and the new refugee policies is telling. On the one hand, some feel like trans people are being treated like terrorists; and on the other hand, migrants are actually assumed to be criminals and terrorists. All signs point to the fact that there are more affected trans refugees than there are trans people barred from flights. But there are no trans activist blogs and no CQGL letters of outrage that have followed the introduction of anti-refugee policies. This is the power of framing. The importance of a critical/reflexive methodology is to trace how this state of affairs has unfolded and to help redress future analysis.

The transness framing equates trans people with transness. It covers a scope of content (breadth and depth) closely related to gender transgression. In this and the two previous chapters, I have expanded the available content by considering new kinds of issues such as the refugee process. This form of critique challenges the "realness" of trans studies' reality by expanding reality. But the trouble with the transness framing is not only what it misses but also the direction in which it leads. That the *Identity Screening Regulations* became such a hot topic, when there have been no documented cases of a trans person being denied access to flight, is a direct result of the transness framing: its overreliance on gender, its logic, and its common-sense notions. In contrast, if we (trans and non-trans scholars) find a way to remain open to trans people's perspectives, as does the policy encounters framing, we can move forward.

First, the policy encounters framing considers how information circulates. After six months of an uneventful implementation of the new identity screening policy, a blogger made the link between gender and trans people, sounding the alarm. The identity screening story exploded, and within a couple days had circulated in activist blogs, in online and print news media, and among community organisers. All of this happened in spite of the news articles that underlined the lack of documented incidents. Suddenly, the new reality was that transgender people were completely barred from flying. Second, the policy encounters framing distinguishes between direct and indirect contact with policies. When the story flared up in their networks, many trans people were understandably worried. Whether or not they had ever encountered problems in airports (participants in this study had not), they were of the opinion that they would not be allowed to fly. However, an ethnographic sensibility does not condemn the original blogger, the subsequent news stories, or the trans people who now avoid flying. Rather, it focuses on why trans people think they cannot fly, what this means to them, and whether or not any of them have had any problems. In this case, the story unfolded as it did because of the prevalence of the transness framing and its many assumptions. By looking at information networks, distinguishing between direct and indirect contact with policy, and remaining open to trans people's perspectives, the policy encounters framing provides the tools for understanding how trans people came to think they could not board a plane and gives voice to the real lived effects of such a mishap. The material uncovered in this chapter demonstrates the importance of changing the approach to policy evaluation; the transness framing is failing trans people. The same

ethnographic sensibility used to examine identity screening revealed the importance of the refugee process.

Based on the analysis in this chapter, I can say with confidence that immigration and refugee policies are trans priorities. Many refugee policy changes that occurred between 2009 and 2014, which are relevant for trans people, have been justified as means to deter "bogus claims" and to prevent "abuses." These policies aim to reduce the number of refugee claims made in Canada, which in turn affects trans migrants. Four policy shifts (visas, DOC, processing time, and the Interim Federal Health Program) were adopted with the explicit objective of reducing the number of refugee claimants and without consideration for one of the refugee and asylum program's principal objectives, that is, saving lives. These policies impact trans people and are likely to make it harder for trans refugee hopefuls to gain status in Canada.

I argue that trans people's experiences should be taken into account when evaluating policies, which in this case would mean revisiting recent refugee policy changes. Beyond these shifts, participants had very diverse experiences of immigration policy as well as the policies they encountered as they integrated into Canadian or Québec society. While I have not given specific suggestions on how to improve the immigration and refugee policies being considered, I did underline several problems. Participants faced racism, were blocked from changing their civil status, and had to find ways to compensate for unrecognised diplomas. Two elements are particularly arduous for trans people and deserve further study: the lengthy immigration process and barriers to proving that one's fear of persecution is founded.

In closing, this chapter has made several contributions to the policy encounters framing. It has shown that an impressive level of detail about refugee policy encounters can be achieved through a careful consideration of both policy context (recent changes, the immigration and refugee process) and policy situations. This careful consideration does not lose sight of the fact that trans people are coming to Canada as refugees because of anti-trans persecution. Crucially, however, the policy encounters framing makes it possible to say something of substance about credentials, closing borders, and interpersonal relationships with immigration officials. In addition, this chapter deepened the analysis of direct versus indirect policy contact. In the chapter on housing, indirect contact with past policies facilitated an understanding of trans people's relationship to policy. Here, taking into account policy opinions helped untangle policy mistakes. Moreover, this chapter continued to confirm the relevance of skills and strategies. Trans people

are not only victims of transphobia; they are skilful and competent people who find a way to navigate through the most complex and dangerous of policy waters. Participants in this study told their stories intelligibly (communication skills), strategised when deciding which bureaucrats to trust and when, and showed great problem-solving skills in doing everything in their power to prove their cases to the refugee board. Finally, this chapter added a new level of critique by showing that the policy encounters framing, as developed through a critical/reflexive methodology, is adept not only at expanding the breadth and depth of what is said but also at re-evaluating the pertinence of political priorities. This framing could help trans studies fix its mistakes and avoid future mishaps. In short, it could play a role in guiding trans studies in the right direction.

So far I have exposed how the policy encounters framing can deepen our understanding of housing, social assistance, and migration. But surely, the transness framing is well suited for trans-specific policies? The next chapter takes up this question.

Chapter Nine – Trans-Specific Policies

Housing, social assistance, and migration are not prominent topics in trans studies. In contrast, issues like civil status/vital records[104] and trans-specific health care are the bread and butter of the field. Gender is central to these topics, which is what makes them intelligible as trans issues. For many, they are the political priorities that unite trans people. These areas have received a great deal of attention from both academics and trans community organisers working within a transness framing. Furthermore, there has been progress on these fronts in favour of trans people over the course of the past few years. Advancements in these areas have come to symbolise that "things are getting better" for trans people. A policy encounters framing tempers these notions.

A policy encounters framing does not assume that the transness framing is wrong all the time, nor does it negate the importance of many issues centralised by trans studies. Instead, it is a way of thinking that allows us to say "yes and." It widens the scope: the breadth and depth of content. It also allows for a multidimensional evaluation of the policies that affect trans people. But, as was seen in the last chapter, studying trans people's policy encounters does lead to a closer evaluation of policy priorities. Gender is a crucial issue, but its centrality is not assumed in a policy encounters framing. Rather, its relative importance is measured alongside other aspects of trans people's day-to-day lives. There is no hiding that some of the priorities taken on by academics and activists using a transness/identity framing do not fit within the policy encounters framing. The examination of the *Identity Screening Regulations* showed this. But as those regulations are an auxiliary issue, there is not much danger in questioning their pertinence. However, when examining transness framing pet issues such as civil status and rights, scholars must tread very carefully, aiming to work at the framing or structuring level without speaking over actors. One contribution this chapter makes is to show that a policy encounters framing can

[104] In Québec, *civil status* refers to the records kept about an individual's identity (name, sex, martial status, etc.). In Ontario, the term *vital records* is used. The difference in vocabulary is due to the distinct legal traditions in each province (Civil Code and common law respectively). That said, the Ontario official translation of vital statistics is *état civil* (*Vital Statistics Act*, 1990). Because most of this study's participants were living in Québec, I will use civil status as a short hand for civil status and vital records when referring to both jurisdictions. When discussing Ontario specifically, I will refer to vital records.

have the finesse needed to question hard-wired assumptions while respecting the voices of trans people. This framing can be used for policy analysis geared towards policy users.

Both a transness framing and a policy encounters framing put civil status centre stage. But when it comes time to design a better policy, a policy encounters framing goes further in ensuring that all trans people will have access to identity documents. A transness framing sees diversity as diversity of genders and good policy as policy that allows for gender diversity. The reader will remember that trans people's diversity in this project is considered in relation to policies (which policies they come into contact with as well as how they interact with them). I evaluate policy on this basis as well. In consequence, I propose a few precisions on what would make for good civil status policy.

The discussion of human rights is somewhat thornier than that of civil status. By examining concrete and symbolic gains from gender inclusion in rights in tandem with the political capital and energy needed to add gender to human rights legislation, I consider the possibility that rights may not be worth the effort. The strength of human rights is symbolic. Debates over gender rights bring trans people into the public sphere and symbolically affirm the worth of trans people's lives. But much has changed for trans people's place in the public sphere. Trans people come up regularly on the news, in television shows, and in movies. There has been great symbolic advancement, and I do not believe this will be lost should trans people let go of gender inclusion in rights. In this chapter, I suggest that gender inclusion into human rights is not worth the political capital. I argue that energy would be better spent moving from symbolic victories to concrete changes. This said, the Canadian, Ontario, and Québec legal systems offer human rights protection based on identity. In such a context, if trans people are asking for gender rights, then governments should accord them. Here the distinction between policy analysis for policymakers (government) and policy analysis for policy users (trans people) allows me to advise governments to add gender to the list of protected grounds in human rights legislation, while simultaneously advising trans people to stop making rights a political priority. This position is only possible when we consider both policy users' and government perspectives.

By taking on the transness framing on its home turf (civil status and rights), I am able to complete my argument. The policy encounters framing offers detailed content and nuanced evaluation, all the while respecting actors. It accounts for the same material studied in a transness framing and adds more. However, the contributions made by this chapter to trans studies may not

have the same impact for readers as previous chapters have. Trans studies scholars have studied, and perhaps over-studied, these issues. A lot has been said. Nonetheless, what a transness framing misses is notable and worth examining. This framing does help us understand civil status and rights, but it is not the best option. I argue a policy encounters framing is better suited for the job.

This chapter contributes to a policy encounters framework in two major ways. It completes the discussion of direct versus indirect policy contact, by comparing trans people's opinions about and experiences of rights. The distinction will be central in my analysis of trans people's rights encounters. The chapter also develops the policy intersections dimension. As I noted in chapter five, it has not so far been possible to give a complete picture of how policies intersect through the chapters that each dealt with one policy area. But having introduced housing, social assistance, migration, and trans-specific policies, I now connect some of the dots. I begin with civil status.

Civil Status and Vital Records

Civil status is one of the most recognised trans issues. One could assume that it is a common denominator for all trans people, but this assumption was not confirmed by the interviews I conducted. In fact, participants' varying experiences of civil status policy demonstrates the diversity found in trans networks. It also happens that this area of policy has evolved significantly over the past few years. Some of the most important changes took place after the interviews. In the spring of 2012, trans people in Ontario could change their name through an administrative process, but they needed to have had sex reassignment surgery to modify their legal sex. However, the Ontario Human Rights Tribunal had just ruled that this policy contributed to discrimination against trans people (*XY v. Ontario (Government and Consumer Services),* 2012). In Québec, trans people could change their name, if they could prove that they had been using this name for one year and had a letter from health professional (like a psychologist) affirming their name, as well as a medical doctor's note explaining that they were taking hormones. Sex reassignment surgery was required to change one's sex, but various trans organisations and

individuals were contesting this. In late 2013, the Québec government changed the law to allow legal sex changes without surgeries. The new law came into effect in the fall of 2015. Overall, these policy shifts in Ontario and Québec will make it easier for many trans people to change their civil status. Will these solutions fix the problems that participants were facing at the time of the interviews? To find out, I start by reviewing participants' policy situations in relation to legal name and sex changes.

Policy situations.

We should not assume that civil status changes are relevant to all trans people. In six interviews, the subject of a name change did not even come up. In several others, the topic was mentioned but not discussed at length. In one interview, it came up solely in relation to other trans people. In fact, several interviewees focused on civil status and trans people generally, giving little detail about their personal situation. For some trans people, the name change occurred with relatively few obstacles. For others, it may have been problematic in the past, but it had been resolved several years ago or in another country. For these participants, this issue was no longer a part of their daily lives. For others yet, it was irrelevant. One woman explained that her name could be for either a woman or a man. She would not need to change it. Another participant had not yet decided what name he wanted to go by (something masculine or androgynous). For the time being, he was not preoccupied with changing his legal name; it was not yet an issue for him. Studying policy encounters allows scholars to measure the relative importance of the relationship between transness and policy within the context of trans people's lives. There is no question that civil status is a trans issue from the perspective of the transness framing. While my work does not deny the importance civil status policy has in many trans people's lives, it also leaves room for times when civil status is not a priority. I believe this is more respectful of trans people than an approach that assumes civil status (or any other gendered policy) is a priority.

It is worth comparing the experiences of interviewees who brought up legal name changes, in order to highlight how trans people can have diverse relationships to one policy. Some interviewees had already changed their name; others were in the process of doing so; some had decided to wait; and some were having difficulty. Eight participants explained that they had

changed their name. Two participants in Montréal had recently applied for a name change and were waiting for the *Directeur de l'état civil* to process their request, which can take about six months. Thus 10, or one third, of participants were no longer directly affected by name change policy. Three additional participants noted they were going to change both their name and sex at the same time, either because the sex designation was more important to them, because it would reduce administrative fees, or because they feared being accused of fraud. Several others wanted to make the change but faced various barriers: the fear of being accused of fraud, the complexity of the process, the administrative cost, or their citizenship status. All situations considered, there were approximately one third of participants that were at the time of the interview dealing with these policies. The final third of participants either did not bring up name changes or did not consider the name change to be relevant for their lives (e.g., the woman with a name that could serve for either a woman or a man). The diversity described in this paragraph tells us a lot more about the role of policy in the lives of trans people than the transness framing's emphasis on gender diversity ever could.

It is a good idea to look more closely at the experiences of those currently interacting with legal name change policies. A few participants noted that they were hesitant to change their name because they were unsure of what legal standing the new name would have. They thought they might be accused of fraud by banks or even government agencies. This experience was present in both Toronto and Montréal. For example, one woman worried that banks might think she was committing fraud if her name, but not her sex, was changed. Another woman explained the following:

> Participant: I would love to have my documents [changed], I mean I was working on it, but you know, there is money involved, and it does not bother me really to have the documents with my real name because they are free, they don't cost me anything, well the driver's licence is $30 every year, but I mean you, it's, you never know, you don't even know if it's really legal or not, like hundred and fifty dollars to change your name and you don't even know.
>
> Interviewer: Why would you not know if it's legal?

Participant: Because they don't really, like they see my name on the driver's licence, but I don't know if it's really legal, because it is not my real name, and they will see my name on my citizen card and in other ways, so I don't know.

Changing one's name was legal in both Québec and Ontario, but people's interactions depend on their perception of the law. As has been seen with other policy areas, accessing and assessing information is a key part to policy successes and failures. Trans people must be informed about the process, but also, as the above quotation shows, about the legality of changing one's name. There is also an element of strategy. It is very possible that having documents that did not correspond to each other would cause problems for the woman quoted above or that, as the other participant predicted, bank tellers would examine her documents more carefully if her name were changed but not her sex. Indeed, several participants recounted experiences at banks where they had to explain their private lives in great detail in order to convince the teller they were indeed who they claimed to be (communication skills). As with other policies, looking at skills and strategy is an integral part of understanding civil status encounters.

Participants' uncertainty about name changes was also linked to the complexity of the process. For example, the official law in Québec included a five-year wait before changing one's name (*Code Civil du Québec*, 1991, articles 58-64). There was a one-year rule for transsexuals, but it was not mentioned in law (see Ezra, 2012). One participant, following the advice of a lawyer, believed she would have to wait five years. A community worker later informed her that trans people could change their name after only one year. The misinformation delayed her process. In addition to knowing about the trans-specific policy, people had to be able to fulfil its requirements: a letter from a psychologist affirming the name, a letter from a doctor explaining that they were taking hormones, and proof that they had been using their new name for at least a year. Gathering the letters is difficult for those who do not have access to a doctor or who cannot afford a psychologist. Finding the appropriate proof that one has been using one's name for a year can be difficult, especially for those who are unemployed or who do not have a stable housing situation. Even in Ontario, where one can change one's name without proof of its use or of one's trans status, the 20-page form asks for a great deal of information about one's past (financial, criminal), proof of residency, and depending on one's personal situation, other supporting documents (form on file with author). It also requires that an applicant be able to explain why they want to change their name. Filling out such a form can be intimidating, especially for those

who have injuries or disabilities that affect their memory, reasoning skills, or communication as well as those who face language barriers.

Six participants (across both cities) noted the cost associated with a name change was a barrier. For example, in Québec, the administrative fee as well as the cost of publishing their name change in the *Gazette* could cost $400–$500. This expense does not include the cost of obtaining letters of support. For at least three people, cost was the primary reason that the change had yet to be made. For others, it meant that they had had to wait until they could save up the necessary funds. Money issues could also be part of a larger reasoning, as with the woman quoted above who considered cost next to legality.

Many of the same difficulties encountered with name changes apply to legal sex changes. There are added barriers as well. At the time of the interviews, sex reassignment surgery was a requirement for legal sex changes in both Ontario and Québec. About a third of people interviewed were in the process of trying to access sex reassignment surgery. Some had been attempting to access these surgeries for over ten years. The requirements for state-funded surgeries were similar in Ontario and Québec. In Ontario, the Centre for Addiction and Mental Health (CAMH) is empowered by the government to determine which trans people should have access to surgeries (Ministry of Health and Long-Term Care, 2008).[105] First, trans people must get a referral from their doctor for CAMH. Then, they must meet with one of CAMH's psychiatrists and follow their program. The program can take several years, during which the trans individual must be able to show that they are able to live in their gender and that they have specific markers of stability in their life. In Québec, the process is a little different.[106] Trans people are required to get letters from psychologists and doctors. One letter must be from a psychologist, psychiatrist, or sexologist who has followed the individual for at least six months. Another letter must confirm the first health professional's diagnosis. Trans people also need a letter from their family doctor stating that they are in good health. Finally, they need a letter from their doctor that outlines their hormone replacement therapy. They can then get a meeting with the surgeon, who determines their eligibility for surgery from a health perspective. The dossier is then sent to the government who approves the request.

[105] On March 1st 2016, the Ministry of Health and Long-Term Care empowered qualified health providers to refer trans people for surgeries (Ontario. Ministry of Health and Long-Term Care, 2016)

[106] The following is based on explanations given by Eric Landry from the *Agence de la santé et des services sociaux de Montréal* (April 13, 2010). He came to the ATQ to explain the procedure to members of the trans community.

In either province, the process leading up to surgeries takes time. Some are unable to access the surgery either because they do not have access to appropriate health care or because they are unable to demonstrate that they have lived full time in their sex and/or gender. Some in Montréal cannot find doctors to support them. Others in Toronto were refused by CAMH. Participants' age and health were at times barriers, especially for those who had been trying to access surgeries for over a decade. Finally, trans people needed a minimum level of stability in order to recover (e.g., to pay for expenses while convalescing). For numerous trans people who are underhoused or who have a limited income, this barrier is insurmountable.

Other than the nine interviewees trying to access sex reassignment surgeries, another two interviewees were prevented from changing their legal sex designation because they did not want to have the required surgeries. Two were prevented from changing their sex designation because they were not citizens. Three participants had just had sex reassignment surgery and were waiting for their request for a legal change to be granted. Two spoke about having recently changed their legal sex successfully. Importantly, the topic did not come up in ten interviews, and in an eleventh, it did only in relation to the wider trans community. In other words, there were a third of interviews where change of sex designation was not a priority.

Finally, policy intersections often created added barriers for interviewees. A policy intersection occurs when multiple policies are encountered at once. At times, the parameters of each policy area (its rules and requirements) come into conflict and complexify the policy user's relationship to policy. For example, two people in Québec could not change their civil status because they were permanent residents. As I explained in the chapter on migration, only citizens are allowed to modify their civil status. Not only could these participants not change their name, they were prevented from changing their legal sex, despite having had state–funded sex reassignment surgery in Québec. They were caught between systems; one country determined their civil status and another provided their health care. For other participants, not having documents with the name and sex of common usage was an added barrier to finding work. One interviewee wanted to follow job training to operate warehouse machinery. The organisation that offered this training was required to use the trainee's legal name when issuing the certificate. The participant had thus decided to wait until he could change his name before taking the course, so as to have the certificate issued to his masculine name and avoid potential problems when applying for jobs. Another participant had considered delaying government-funded training

(through *Emploi–Québec*) until he could change his name. In his case, his interaction with social assistance policy was affected by his relationship to civil status policy. As noted above, some participants struggled to pay for civil status changes with monies received from social assistance or did not have the appropriate health care access to get the required letters of support from psychologists and doctors. While policy studies generally considers health care, social assistance, and civil status policies separately (and indeed the structure of this dissertation follows this pattern), it is important to remember that they are not lived as such by the policy users who must navigate them simultaneously. I say more about policy intersections at the end of the chapter.

A transness framing that views diversity in terms of gender would be able to point out that not all trans people want surgeries and that people might have varying goals in terms of sex or gender markers on identity documents (e.g., Hines, 2007; 2009). But the transness framing fails to encompass the full spectrum of the problem. The interviewees had different relationships to civil status depending on their financial situation, where they were in their transition, their citizenship status, their ability or willingness to meet requirements (like surgeries), their comfort level when navigating the policy field (like forms), their level of knowledge about current policies (like the one-year rule for transsexuals), and personal preferences (whether they wanted to change their civil status or not). With a policy encounters framing approach to civil status, the diversity of trans people becomes fully apparent. For some, civil status is a non-issue or simply not a part of their daily lives. For others, it is an annoyance. But for many it is problematic due to the time it takes, the complexity of the process, the money required to apply, or citizenship status. With these varying relationships come different kinds of barriers, some of which have since been removed. The next section addresses these changes.

Policy context.

Policy in regards to civil status has evolved quickly and significantly since the time of the interviews. It is thus a perfect occasion to evaluate government solutions with the help of participants' experiences. In Ontario, the *Vital Statistics Act* (1990) and associated regulations (1990) establish the registrar's office, which keeps records of people's vital records (birth, marriage, death) and public identity (name, sex). This act also covers sex changes. The *Change of*

Name Act (1990) and regulations (1990) determine legal name changes and require an administrative procedure not unique to trans people. Applicants in Ontario must apply by filling out appropriate forms and paying administrative fees. It is also possible to get an exemption from publications, although the norm is to publish the name change in the *Ontario Gazette*. At the time of the interview, changing one's sex required "transsexual surgery." The relevant section of the *Vital Statistics Act* reads as follows:

> Where the anatomical sex structure of a person is changed to a sex other than that which appears on the registration of birth, the person may apply to the Registrar General to have the designation of sex on the registration of birth changed so that the designation will be consistent with the results of the transsexual surgery. (Vital Statistics Act, 1990, 36.1)

In 2012, the Human Rights Tribunal of Ontario rendered a decision in the case of *XY v. Ontario (Government and Consumer Services)*, which declared that the transsexual surgery requirement was discriminatory. The ruling ordered the Registrar's office to modify its practice (not having the authority to force a change in the law). Since this time, the policy has been changed, but the *Vital Statistics Act* has yet to be amended.[107] If a trans person in Ontario wants to change the sex indicator on their birth certificate, they need to make a statutory declaration that their gender corresponds to the new marker and provide a letter from a practicing physician or psychologist that attests that the change is appropriate. Currently, the cost to change one's name in Ontario is $137, and the cost for the administrative change of sex designation is $37. There is also a $25 fee to obtain a new birth certificate. The birth certificate can then be used to change other documents (ServiceOntario, 2014). While these sums may not appear prohibitive, one must remember that the majority of trans people I spoke with had a limited income.

Civil status in Québec follows the civil legal tradition. This tradition includes the principle of *indisponibilité de l'état des personnes*, by which an individual's public identity does not belong to them (see Bureau and Sauvé, 2011). In the past, this system has been resistant to allowing the civil status to be modified. Over the past few decades, exceptions have been made to this general principle. In 1965, it became possible for people to change their name if they had serious motives (*Loi sur le changement de nom et d'autres qualités de l'état civil*, *chapitre C-10*). This law requires applicants to prove that they have been using a name for five years. In 2006, a policy

[107] As of November 2015.

was established whereby transsexuals could change their name after only one year, if they could provide a medical letter stating that they were in the process of transitioning. This policy is not officially recognised in law. The following is taken from a booklet produced by ASTT(e)Q to help guide trans people in Québec through transitioning and government services. In relation to the one-year rule, it explains,

> According to those who have pursued it, this method is carried out inconsistently from person to person. Some have been able to change their name with the transsexual-specific method without having to provide proof of a physical change towards the gender to which they are transitioning. Because the transsexual-specific method is not posted on the internet, nor is it official policy, it is difficult to know what exactly the requirements are or if they have changed. It also makes it hard to hold the *Directeur de l'état civil* accountable when they are inconsistent with the documentation and proof that they require from applicants. (Ezra, 2012, p. 57)

The inconsistency of the rule's applications makes it difficult for trans people to get informed. Because decisions are made by bureaucrats who are not directly in contact with the people their decisions affect, it is not possible for trans people to convince them in person to make the change. A parallel can be drawn to Namaste's (2000) findings about the inconsistent application of legal sex change rules for trans men in the 1990s. The required surgeries were inconsistently determined, meaning that some could access the change while others could not. As noted, these discrepancies still occur, according to at least one participant. Another participant admitted that he was confused about what surgeries were needed to change his legal sex. He had heard contradictory information. In both cases—name and sex changes—the irregular implementation of the policy leads to confusion, adding a barrier for trans people looking to modify their civil status.

Like in Ontario, the Québec law regarding sex designation changes at the time of the interviews stated that an applicant needed to have had sex reassignment surgery. In 2013, the Québec government passed a law that would remove the sex reassignment surgery requirement for legal sex changes. The law states,

> 71. *La personne dont l'identité sexuelle ne correspond pas à la mention du sexe figurant à son acte de naissance peut, si elle satisfait aux conditions prévues par le*

> *présent code et à celles déterminées par un règlement du gouvernement, obtenir la modification de cette mention et, s'il y a lieu, de ses prénoms.*
> *Ces modifications ne peuvent en aucun cas être subordonnées à l'exigence que la personne ait subi quelque traitement médical ou intervention chirurgicale que ce soit. Sous réserve des dispositions de l'article 3084.1, seul un majeur domicilié au Québec depuis au moins un an et ayant la citoyenneté canadienne peut obtenir de telles modifications.* (*Loi modifiant le Code civil en matière d'état civil, de successions et de publicité des droits*, *chapitre* 27: 71)

This change came into effect on October 1, 2015. The same law removed the requirement for people changing their sex designation to publish in the *Gazette* and local paper. This law has been in effect since March 1, 2014. The cost for a legal name or sex change in Québec is $134 plus $10.80 in order to obtain a name change certificate (Services Québec, 2014).

Encounters with civil status/vital records.

Issues faced by trans people unable to change their name and sex identity documents have already been described by, among others, courts and researchers (e.g., *XY v. Ontario (Government and Consumer Services)*; Namaste, 2005). I will thus only briefly address them here. Several participants brought up the fact that having identity documents that were incongruent with their identity was a significant barrier to accessing employment or pursuing education.

Having identity documents with an inaccurate name or sex designation marker also meant that participants had to explain their situation at banks, at the doctor, and to street-level bureaucrats such as employment officers or customs officers. For one participant, it came up when he used adapted public transportation. Drivers would arrive expecting to find a woman, and he would have to explain his situation before being able to board the bus. Several participants also brought up the fact that government correspondence in relation to social assistance and other services was addressed to "Sir" or "Madam," which added insult to injury. A few had, however, managed to get *Emploi-Québec* to address them by their chosen name. Some also noted that their doctors had changed their name and sex marker in their administrative file. These examples show

that with the right approach, some street-level bureaucrats were sympathetic. In these cases, a great deal depended on the reaction of the street-level bureaucrat, bank teller, or bus driver. It was also important that the participants in question be able to effectively explain their situation.

Recent changes in Ontario and Québec to facilitate sex changes mark welcome progress, which many trans people have fought long and hard to achieve. With the new rules in Ontario and Québec, many trans people who were barred from changing their sex designation—either because they did not want surgery or were unable to undergo it for health reasons, for example—will be able to do so. This progress is a big victory for them. As the process to get sex reassignment surgery can take several years, even those who do want these surgeries will also benefit greatly from this change in the meantime. They will be able to get educational diplomas, for example, that correspond to their day-to-day identities, and apply for jobs without having to justify themselves. It will also, in many cases, facilitate their interactions with government.[108]

There are, however, a few issues that have yet to be resolved with these changes. First, in Québec, name change is still a process that requires a year-long wait and letters of support. The wait time leaves trans people vulnerable to issues related to a mismatched identity. And many trans people, including many of the interviewees, do not have access to appropriate health care, nor the necessary funds to obtain letters of support. In Ontario, new rules for sex changes require a doctor's support. This is not within reach for many trans people. One of the most pressing issues that would begin to make name change more accessible would be to increase the accessibility of health care for trans people in both provinces.

With the removal of the publication requirement, trans people will not only have their privacy protected, but the cost of changing one's civil status will diminish. This being said, the cost will not doubt still be a barrier for many. Considering that these changes can facilitate finding employment, it would be a good idea for social assistance to include a discretionary fund for those wishing to change their name and sex designation marker. This fund would be coherent with both provinces' employment assistance programming, which have the explicit objective of helping people find work.

[108] Although identity documents are important for interactions, they are not the only factor. While some are "outed" by their documents, others have an appearance that is read as being that of a trans person. In their case, the identity documents can serve as an excuse on the part of their interlocutors to reject them or cause them grief. But even with the appropriate documents, some continue to encounter discrimination.

As for citizenship requirements, considering that migrants already have several barriers to accessing employment, such as the recognition of credentials, it would be advisable to offer temporary identity cards to refugees and permanent residents. It is unclear if provinces could make this modification on health cards and driver's licences, or if the federal government would first have to adopt a policy.

Finally, the complexity of the Québec and Ontario processes has not been addressed. Some trans people will likely still doubt the legality of civil status changes or worry about being accused of fraud by bank tellers, employers, and so forth. The complexity of the rules will continue to intimidate some. Finding accurate information will also remain a challenge for many, especially those who are not being guided by trans community organisations.

The policy encounters framing makes it possible to study trans people's relationship to policy. An examination of the relationship between policy situations and contexts, instead of transness and context, provides a better overall understanding of trans people's relationship to civil status policy. For instance, by remaining open to the possibility that civil status is not a priority for all trans people, taking this approach acknowledges the experiences of those who do not interact with this policy area. In addition, encounters with civil status are rich with the policy intersection dimension of policy encounters. Indeed, it was civil status that first alerted me to the importance of policy intersections. Civil status policy interacts with many other policies in the lives of participants (e.g., social assistance or citizenship policy), and it is impossible to understand how trans people relate to this policy without taking these intersections into consideration. Skills and strategies are also key in understanding civil status encounters. Trans people must be able to communicate their situation when encountering government workers (e.g., at *Emploi-Québec* or with bus drivers) or any time identity documents are required (e.g., banks, when applying for a job). Access to quality information is important, especially when the policy context is both complex and rapidly evolving. Interactional styles also come into play. Some participants' personal disposition made it harder for them to handle the complexity of the process (the rules, the forms, the proof needed). Others took up strategies to avoid being accused of fraud.

The transness framing would not address the wait period to change one's name in Québec, access to health care in both provinces, the ability to pay for fees, and citizenship requirements.

These may not seem like big details, but to the people they prevent from accessing civil status changes, they are important. The policy encounters framing has the finesse to tend to these details. Similarly, it is a better tool than the transness framing with which to examine human rights.

Human Rights

Policy situations.

Three participants brought up direct experiences with human rights, all of them in Québec and in relation to provincial rights. The first experienced psychological harassment in the workplace. When a new supervisor took issue with the interviewee being trans, he made her working conditions unbearable.[109] She eventually had to quit. She then filed a complaint with the *Commission des normes du travail* and simultaneously with the *Commission des droits de la personne et des droits de la jeunesse*. The case went to arbitration with the *Commission des normes du travail* and she received financial compensation. She was unsatisfied with the process, because the amount of money that she received did not equate the salary that she had lost and because she felt the settlement was forced on her. Once the settlement was reached, the complaint at the *Commission des droits de la personne et des droits de la jeunesse* was automatically withdrawn. She could not to go to court to ask for more money without paying her own lawyer fees (something she did not have the means to do while unemployed).

The second participant who interacted directly with rights filed several complaints (six or seven) with the *Commission des droits de la personne* for refusal of service and anti-trans discrimination. She had filed the first complaint in 2010, and at the time of the interview (spring 2012) all of her complaints were still in progress. She was frustrated over the time the process was taking and the difficulty she experienced following up on specific complaints.

The third participant had attempted to file a complaint with the *Commission des droits de la personne et des droits de la jeunesse* against the *Directeur de l'état civil*, arguing that

[109] I shared some of her story in the chapter on social assistance.

restrictions for a name change (including the cost) were prohibitive and an impediment to getting work. The commission rejected the request (the participant did not give more detail). She was disappointed. As she was unable to pay for the name change, paying a lawyer was also out of her reach. She was in the process of trying to get legal aid to take on her case, but had not yet succeeded.

Although only three participants had had direct contact with rights, five others brought up rights (in both Ontario and Québec). Their opinions on human rights represent indirect policy encounters. These participants did not all differentiate between federal and provincial rights, nor did they all know the details of current rights debates. For example, one participant thought that Bill C-389—a bill to add gender identity and expression to federal human rights legislation—was anti-trans and that the Conservatives had introduced it. Even if specifics were not important to some, the idea of rights was important. Rights represented many things to participants.

The general consensus amongst those who up brought rights (federal and provincial) was that not only would rights be a positive thing but also that they were long overdue. Participants linked trans rights with other rights movements such as civil rights, women's rights, and gay and lesbian rights. They argued that rights had brought some positive changes for these groups, and that it was trans people's turn. Here are a couple examples:

> Participant 1: *Mon opinion là-dessus c'est que ça aurait dû être fait avant et ça va de soi tsé, ça va de soi, il faut que ce soit comme les droits des homosexuels.*
>
> ****
>
> Participant 2: Like 50 years ago racism used to be ok and now if you made comments like that people would turn their heads, and there is still racism but it is not really acceptable now, with time, laws are changed, people were educated, heard about it a lot in commercial and school and I guess that how it came to not be accepted by everyone. Yeah there could still be an employer [that would let someone go during the three month probation]. I feel like that would be an easier to take to court [. . .] like trans is the last acceptable thing to discriminate, there are not really laws that I am aware of that say that you can't, I mean I think they just put it in human rights, a few day ago, last week, to include gender identity in the [Ontarian] *Human Rights Code*, but that is what I mean, it just happened.

The first participant makes the link to gay and lesbian rights, while the second makes the link to civil rights. Participants were hopeful that rights could improve various aspects of trans people's lives such as work and access to shelters. They also addressed their symbolic value:

Participant 1: *Ben je trouve que y-a un projet de loi au fédéral qui est débattu en ce moment, je ne me rappelle pas comment ça s'appelle, mais c'est pour la protection contre la discrimination puis ça je pense que ça serait bon que ce soit adopté comme loi, parce que je pense que ça aiderait à changer les opinions des gens, point de vue social, progrès social.*

Interviewer: *Les gens vont peut-être changer d'avis?*

Participant 1: *Peut-être, si les politiciens disent ok, les trans sont protégés au même titre que les autres personnes, que peut-être ça va faire évoluer les opinons, comme les mariages des personnes du même sexe, je pense que ça a fait une différence.*

****

Participant 2: I don't know if it's the same for crossing the border, I heard it is with boarding an airplane; a trans person cannot board an airplane, which brings me back to the idea of, what was the Canadian Charter of Rights and Freedom about the ability to move around. Does that not then conflict with that one? Are we then not human? I mean I am getting cynical. Ok so now we are not people, like, do we have to have a persons case just like you know like the women rights movement had to do with the, in the 19... 1920? When was the person case?

Again the link is made to other movements (gay and lesbian rights and women's rights). The first participant argues that if politicians were to recognise trans people as being protected by rights, than public opinion might shift. The second argues that potentially harmful policies like the *Identity Screening Regulations* could be challenged. If participants were enthusiastic about rights, a few also brought up their limits: the time it takes to enforce them and what they can achieve.

Participant 1: *Moi ce que je trouve ce qui est vraiment épouvantable, ce que quand tu vois la défense de droits, c'est tellement long, c'est tellement décourageant de faire quelque chose*.

****

Interviewer: *Est-ce que ya d'autres questions de justice sociale ou de justice en générale qui t'importe*?

Participant 2 : *Ouais ben culturellement, que ce soit plus parlé, qui aille une place plus grande pour ces sujets finalement, parce que ce n'est pas seulement une question de, de droit aussi, c'est une question de, c'est parce qu'on sait, même cette espèce de "chaque humain est né libre et égaux nayaya," tsé on sait très bien que dans les, concrètement c'est pas vraiment appliqué, y-a des droits, mais ya aussi une justice pis, eh, c'est ça qu'il faut que la culture trans soit plus reluisante finalement* [. . .] *Ben dans les, à part de l'aspect culturel de la chose, la prise de conscience, etc., les changements sociaux en fait qui sont font par des groupes de pression, c'est toujours des luttes nayayaya, tsé la femme est rendue où elle est parce qu'elle s'est battue aussi. Facque c'est la même chose, mais c'est des luttes c'est des luttes, c'est des luttes, mais au-delà de ça, entre temps, faut qu'il ait des lois pour qui essaye d'avoir une certaine équité, mais on sait très bien que ce n'est pas comme ça que ça fonctionne.*

While neither of the participants had directly interacted with rights, their arguments resonate with the experiences of participants who did have direct contact. The trans people who had attempted to have their rights heard were frustrated with the time it took and what could come out of the process.

The opinions about rights that came up in interviews tended to imply that trans people were not protected. This came to light when they argued there was a need for recognition from politicians; that after race, sex, and sexuality, trans issues were next in line; or that trans people were the last group against whom it was legal to discriminate. But participants who had had direct contact with rights legislation were frustrated with the rights process. However, none of them were denied their rights as a trans person. Within participants' policy situations, there is a notable difference between those who had direct contact with human rights versus those who had opinions (indirect contact) about rights. I will come back to this when analysing their rights encounters. First, I turn to the rights policy context.

Policy context.

Human rights are both a federal and provincial concern. The Canadian Charter of Rights and Freedoms (1982) is part of Canada's constitution and as such applies to all government actions (federal, provincial, or municipal). The charter has never been amended and has evolved solely through jurisprudence. Article 15 reads,

> **15.** (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The list does not include gender, but it is non-exhaustive. The protection of gender rights could be formally recognised if the Supreme Court of Canada hears a case where it is relevant. However, thus far this final level of court has not heard a trans rights case.

This being said, human rights cases involving trans people have been heard by various courts and tribunals in Canada. The subsequent court and tribunal decisions have progressively worked to include trans people. As the following sections show, the first court cases date from the 1980s and 1990s, decades before governments considered amending human rights laws to better include trans people.

Federal.

In the federal sphere, debates over trans human rights have related to the *Human Rights Act* (1985). This is a federal law, and although it does not have the same force as the constitution, courts do accord it a higher status than other laws. This means that if another law contradicts it (e.g., *Aeronautic Act*), it is the *Human Rights Act* that takes precedence. This federal act applies only to bodies that fall under federal jurisdiction such as government ministries, departments, agencies, and crown corporations as well as federally regulated industries like banks and airlines. The Human Rights Tribunal decides on matters relevant to the *Human Rights Act*. Until 1992, the Tribunal accepted to hear the cases of transsexuals under the heading of "disability," and since 1992 on the grounds of "sex" (Reid, 1986, cited in Ontario Human Rights Commission, 1999).

Over the past 10 years, there have been growing debates to amend the *Human Rights Act* to include gender identity and gender expression under the prohibited grounds of discrimination. This has resulted in a series of bills tabled before Parliament. Bill Siksay, a New Democratic Party (NDP) member, tabled Bill C-392 in 2005, Bill C-326 in 2006, Bill C-494 in 2007, and Bill C-389 in 2009. None became law. The latest bill, Bill C-279, was introduced by Randall Garrison (also from the NDP) in 2011.[110] It reads,

> **2.** (1) The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity, marital status, family status, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

There has been opposition to the aforementioned bills, but understanding their failure to become law has more to do with the Canadian legislative process than transphobia.

In the federal sphere, the legislative process is like a game of snakes and ladders. A bill can get very close to becoming a law only to slide back to square one. For a bill to become a law, it must be passed in both the House of Commons and the Senate. It must be voted on three times in each house. After the second vote, a bill may be sent to a parliamentary committee for in-depth analysis. The committee must then report back to Parliament before a third vote can be scheduled. Due to the place the *Human Rights Act* holds in our legal system, it is perfectly coherent that any proposed amendments would need to be examined in detail by the Justice and Human Rights committee.

Private members' bills, that is, bills from members of Parliament who are not part of the cabinet (executive branch), face an additional challenge. In fact, these bills tend not to become

[110] Postscript: There has been another development since the end of this project (2009–2014). On December 3, 2015, Randall Garrison tabled *Bill C-204: An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity and gender expression)*. The bill has not yet been debated, nor has the second reading been placed on the Order Paper (the official agenda of the House of Commons).

law. They have a lower priority on the agenda (meaning the time between each reading tends to be longer than for government bills). At the beginning of each session a random lottery assigns numbers to all members. A member cannot introduce a bill until their number comes up (if it does at all). Even if a bill is tabled and begins to inch its way to becoming law, there are two kinds of obstacles that can block its progress.

Parliamentary work is divided into Parliaments and sessions. A Parliament equals the time between two elections. When an election is called, all bills die on the Order Paper. This means that they must all start over again from square one. One Parliament generally has multiple sessions. A session ends when Parliament is prorogued and a new session begins with a Speech from the Throne. When a session ends, bills die on the Order Paper, but the House can decide to reinstate a bill that has already passed the House of Commons without three votes. This is a shorter snake, but one which sends the bill back a few steps nonetheless.

It is useful to review this legislative process alongside the evolution of Bill C-389 and C-279. The first bill was introduced on March 15, 2009 in the House of Commons. It had its second reading on June 8, 2010 and was sent to committee, which reported back on November 3, 2010. The third vote was then on February 9, 2011. It took almost two years for the House of Commons to approve the bill. Following parliamentary tradition, the Speaker of the Senate introduced the bill in the Senate the next sitting day, February 10, 2011. For a second reading to occur, a senator would have had to take on a leadership role, but none did. The NDP is at a disadvantage in the Senate because they have no senators in their caucus. Then, in 2011 an election was called. The 40th Parliament came to an end and it was back to square one.

Bill Siksay retired from politics, and the case was taken up by Randall Garrison. Bill C-279 on was introduced on September 21, 2011. The second reading was on June 6, 2012, which was where things stood at the time of the interviews. The committee reported back to the House on December 10, 2012. The third vote was on March 20, 2013. Again, it took two years for the bill to pass the House of Commons. The bill was tabled in the Senate on March 21, 2013. This time, the bill had a second reading on March 29, 2013 and was sent to committee, which reported back on June 11, 2013. Over the summer, Parliament was prorogued. The first session of the 41st Parliament ended, and Bill C-279 died on the Order Paper. Upon returning to Parliament, the House of Commons voted to reinstate the bill on October 16, 2013. The Senate had its first reading on October 17, 2013, the second reading on November 26, and it was sent to committee.

The bill stalled at this stage until it died on the order of paper with the dissolution of Parliament in the summer of 2015.

Looking over this history drives home the point that private members' bills take time and energy. There are hundreds of potential bills that could positively impact trans people's lives. Deciding whether or not to support a particular bill should not just be a question of whether or not its outcomes would be positive. It should also be a question of whether or not it is worth making it *the* legislative priority. It is possible to question the efficacy of a bill without falling into the trap of only accepting the most effective legislation. Looking at the Ontario and Québec cases will help demonstrate this point.

Ontario.

The *Ontario Human Rights Code* applies to provincial jurisdiction: contracts, employment, industries, housing, as well as membership in vocational associations and trade unions (Ontario Human Rights Code, Part 1). While the Ontario Human Rights Commission promotes human rights, the Human Rights Tribunal decides on matters of rights. Trans people's complaints have been heard under the rubrics of disability, sexual orientation, and sex (see Forrester v. Peel (Regional Municipality) Police Services Board *et al.*, 2006 HRTO 13; Hogan v. Ontario (Health and Long-Term Care), 2006 HRTO 32).

In 2000, the Ontario Human Rights Commission adopted a policy that stated that sex included gender, and which suggested that the *Ontario Human Rights Code* be amended to include gender expression and identity. In 2012, gender identity and gender expression were formally added to the *Ontario Human Rights Code* (*An Act to amend the Human Rights Code with respect to gender identity and gender expression*). At the time of the interviews, this change had just occurred.

The case of *XY v. Ontario (Government and Consumer Services)* deserves special mention. According to the decision,

> The applicant contends that the requirement that she have and certify that she had "transsexual surgery" in order to obtain a birth certificate which accorded with her gender identity infringed her right to equal treatment without discrimination on the

basis of sex and/or disability with respect to services contrary to s.1 and s.11 of the *Code*. (Paragraph 5)

This is one of the few concrete changes rights have been able to bring trans people. Note that the case was heard under the rubric of sex, before the formal adoption of gender identity and gender expression in the *Ontario Human Rights Code*. The tribunal found in the plaintiff's favour, explaining the sex reassignment surgery requirements perpetuates discrimination. Furthermore, the Tribunal ordered the Office of the Registrar General's to change its policy. Today, trans people in Ontario can change their legal sex without sex reassignment surgery. So while rights have brought about change, gender inclusion in human rights legislation was not needed to do so.

Québec.

Québec is perhaps the most interesting case. To my knowledge, it is the first Canadian jurisdiction that recognised transsexual rights in a court of law (*Commission des droits de la personne du Québec c Anglsberger* 1982). Yet the word *genre* does not come up anywhere in Québec law. The *Charte des droits et libertés de la personne* (*chapitre C-12*), is Québec's rights law. It applies to similar contexts as that in Ontario: work, housing, government services, and provincial laws. If someone wants to make a complaint, they can apply through the Québec *Commission des droits de la personne et des droits de la jeunesse*. If after the commission has attempted to resolve the case, there is still a complaint, the person may address themselves to the *Tribunal administrif du Québec*. In Québec, trans people have been successful in advocating for their rights under civil status and sex (*Commission des droits de la personne du Québec c Anglsberger* 1982*; Commission des droits de la personne et des droits de la jeunesse c Maison des jeunes* 1999). In the *Anglsberger* case, a transsexual woman was refused service at a restaurant. In the *Maison de jeunes* case, a trans woman was fired because she began her transition. In both cases, the tribunal ruled in favour of the claimants. Although there is no policy that states it, a trans person would, following jurisprudence, have a solid case to be heard by the courts in Québec under both sex and civil status (Sauvé, 2015). Québec is the most progressive (the first to recognise trans people's rights), but according to the transness framing it is the least progressive (not having "gender" in its human rights law). Having now completed the review of

the policy situations and contexts in relation to human rights, I move on to examine participants' policy encounters.

Direct and indirect policy encounters with human rights.

In the section on human rights policy situations, I explained that the participants who came into contact with human rights policies were dissatisfied with the process: the time it takes and the limits of what rights can bring. Importantly, these concerns would not be addressed by adding gender as a protected category to human rights legislation. Addressing these issues would require rethinking the whole rights process to make it more efficient and effective. Alternatively, some scholars argue that rights will always remain ineffective for trans people (Mandlis in Mandlis & Namaste, 2011; Spade, 2011). Rethinking the whole rights process has not been a central part of public rights debates in regard to trans people. This said, I did meet people in trans networks who questioned the worth of rights for addressing trans people's situation in society.

As for the participants who stated that they were in favour of rights, the most striking feature was that they were all under the assumption that they currently had no rights or lesser rights than other groups. They believed adding trans rights would be the next step in rights progression (women, civil, gay and lesbian, and now trans). Their rationale was not that gender would be a better-suited category than sex. It was based on the assumption that trans people were not protected, that transness was not so far encompassed in rights, as the following participant stated:

> Participant: Trans is the last acceptable thing to discriminate, there are not really laws that I am aware of that say that you can't I mean I think they just put it in human rights, a few day ago, last week, to include gender identity in the [Ontario] human rights code, but that is what I mean, it just happened.

The participant referred to gender having been added to the *Ontario Human Rights Code* shortly before the interview. However, cases have been heard federally and provincially since the 1980s. Rights may not be effective, but they have included trans people for some time. This contradiction is particularly interesting when considering the place that rights take in trans advocacy work (see chapter four).

It is beyond the scope of this project, but further research could trace the emergence of the trans rights movement, its interpretation of rights, and the problematisation of rights that came out of it. This progression seems to have led to the belief that trans people are not protected unless gender is added to human rights codes. I suspect that trans peoples' feelings about not having rights stems from their inability to have their rights respected and from the trans rights movement itself, which has left them with the impression that they are not protected. The question must be asked: How many trans people, who could potentially have filed human rights complaints, did not, simply because they believed that it is not illegal to discriminate against trans people? And more generally, how many have felt that their humanity and worth were denied as a consequence? Finally, what hope can trans people have that gender rights will improve their access to work and shelters, if three decades of rights coverage have failed to do so? Scholars have studied the inefficacy of rights (in Canada, see Irving, 2013; Mandlis in Mandlis & Namaste, 2011; Namaste, [2005] 2011). Past research (see especially Mandlis) as well as the experiences of the participants in this project indicate that adding the category of gender to protected human rights would have limited effects compared to the significant effort needed to make such a change to rights legislation. The successes that rights have brought trans people have been under other rubrics such as "sex" or "civil status." What would the “gender” rubric change?

My argument is aimed at the trans rights movement, not government. Other authors who argue against rights neglect an important point, which my approach can address because it examines the policy context. In a legal context based on identity rights, where legislation has been developed to address discrimination towards various minority groups, and in a context where trans people are demanding their rights, it would be coherent to grant them. However, if governments want to address the difficulties faced by trans people through rights, they will have to do much more than add in the category of gender. Interview data suggest that governments will have to address uneven access to rights (the availability of legal aid lawyers or cost of lawyers), the applicability and consequences of rights, as well as the rights process more globally (time and results).

Adding gender to rights legislation could, however, have some value. As the participants noted, above, rights hold a symbolic value. The increase in attention to trans people through rights debates may impact the general population's perceptions of trans people. This is all well and good, but one must keep in mind that trans issues are already gaining a great deal of

attention. In the past few years, trans issues' media frequency has increased, which is symbolically meaningful, but perhaps what many trans people need now is concrete change.

There is another potential advantage of adding the category of gender to human rights legislation. For trans people who view their transness in terms of gender, adding this identity category may be a more accurate description of their experiences of discrimination than sex. But to argue that this specific term is what trans people at large need is already to decide that gender trumps sex. Not all trans people see their lives through gender. And so, in order to remain coherent, legislators would have to not only include gender, but affirm that the sex category can include trans people. Thus, trans rights complaints could be heard under both the "sex" and "gender" rubrics. This is absent from debates. Sex, civil status, gender, sexual orientation, race, disability, or any combination thereof might be the most appropriate grounds for a trans rights case, depending on the particulars. A further layer is the tension between a person's identity and how they are perceived. Adding gender to rights legislation is seen as a way to recognise trans people; however, rights are based on grounds of discrimination, meaning that the respondent's perceptions and actions must also be taken into consideration. Activists and scholars have neglected these points, most likely because they frame diversity in terms of categories of difference. But when examining diversity in terms of different relationships to a policy, the above becomes clear.

Finally, one must be mindful of the ways this debate constructs gender. Although debates over the inclusion of gender in human rights legislation centre on trans people, many non-trans people have genders that could be the basis of discrimination. Equating gender with transness would be like equating sexual orientation with gay men. Furthermore, before the notion of gender came into Québec parlance, trans people were fully protected under sex. It is only with the introduction of "gender" as a concept that the idea of confirming trans people's inclusion in rights by adding gender to legislation becomes possible. Gender created the problem, that it is now positioned to solve.

I believe the most important aspect to come out in interviews regarding rights is the desire of participants for governments to take them seriously, treat them with respect, and value their lives and place in society:

> Participant: *Peut-être, si les politiciens disent ok, les trans sont protégés au même titre que les autres personnes que peut-être ça va faire évoluer les opinons,*

comme les mariages des personnes du même sexe, je pense que ça a fait une différence.

The participant suggests that if politicians took on a leadership role and declared that trans people were protected to the same level as others, that would be a motor for social change.

Human rights analysis should be multi-layered. Direct experiences of rights offer insight into some of their inherent limits, opinions on the symbolic value of rights, and the policy context for the political capital that has been spent on rights thus far. As with civil status, the policy encounters framing shows itself to be a useful tool for analysing trans people's relationships to policy. Indeed, it is better suited than the transness framing to address housing, social assistance, migration, and trans-specific policies. It has one last advantage that deserves attention: it brings to light policy intersections.

Policy Intersections

As I noted in chapter five, one of the most remarkable observations made throughout interviews was how policies intersect with one another. Housing, social assistance, migration, and trans-specific policies come together in the lives of trans people. One prominent interaction is between social assistance policy and trans-specific policies. For example, the monies offered by social assistance make it difficult for beneficiaries to pay the fees related to civil status changes. As discussed, three participants were delayed in their application for civil status changes because they did not have the necessary funds. In chapter seven, I discussed the case of participants having to choose between paying for hormones and psychologists or food. I also discussed the ways discretionary funds are managed as well as how procedures to label people's work impediments/disability prevent some from accessing state-funded surgeries (to afford aftercare, and have a stable place to recover).

Another common intersection is between social assistance and housing policy. Several participants in this study had trouble finding adequate shelter with monies received from social assistance. They consequently needed social housing or emergency shelter. The woman living in

social housing and who was in an *Emploi-Québec* training on the other side of town also struggled with policy intersections. She was eligible for a state-sponsored food bank in her neighbourhood, but the only hours of operations were during her training lunch hour. The time it took to travel from her training to the food bank and back meant that she was regularly late for her training. As a result, the instructor threatened to have her removed from the class.

Interviews were filled with policy intersections, from the mundane to the highly problematic. At times, participants were caught between three or four policy spheres. The criteria and rules from multiple areas would make it impossible for the interviewees to navigate any one policy sphere (e.g., civil status, housing, migration, and social assistance). Participants became trapped in vicious cycles. To truly get a sense of how policies intersect, and having now reviewed several policy areas, I will offer examples of policy encounters in a couple of participants' lives. I have already in previous chapters shared some details of their stories, which I present here in full.

The first story is of a trans woman who came to Montréal from Atlantic Canada about a year before the interview. Upon arriving, she stayed in a women's shelter. Having already started a medical transition in her previous province of residence, she was able to collect the needed documents to apply for a state-funded (Québec) sex reassignment surgery. After meeting with the surgeon and confirming that she was healthy enough to have surgery, she was given an appointment date. She explained,

> Participant: *J'ai eu ma nouvelle que ma date était fixe, c'est une des plus belles journées pour moi, j'étais extrêmement contente, je flottais. J'arrête au pavillon* [her residence] *et j'avais envie de serrer toutes les intervenantes, les conseillères* [. . .]

Meanwhile, things in the transitional housing centre where she was living were getting tense. She had a difficult personality and did not get along with the staff. They felt that she monopolised their time and asked her not to have conversations with any of the staff other than her social worker. Her resentment grew, and the situation escalated to the point where she threatened to commit suicide if the staff did not do what she wanted.[111] Staff called police, who escorted the woman off the premises.

[111] I have chosen not include too many details about the exact incident as to protect her confidentiality. I shared part of her story in chapter five.

Having no place to stay, the woman starting calling emergency shelters, but none had an available bed. She ended up in an apartment with multiple roommates. She was worried that it would not be clean enough to recover from the surgery, and her appointment date was approaching. She discovered that her room had a bedbug infestation. She moved out and was therefore without housing, a situation which continued for some time. She tried to access emergency shelters but had trouble: either they were full or they did not accept trans women who had not changed their civil status. She eventually found herself in a suicide prevention crisis centre. The centre only accepted people for a few days, and so upon leaving the woman was again homeless. At this point, her nephew took her in short-term.

She then spent her time trying to secure services and housing for after her surgery. She needed to know if there was a place where she could recover, or if alternatively she qualified for home services. As she was isolated, she had no one who could come help her with groceries and cooking. Despite her efforts, she was unable to find out what home services she might receive.[112] Her monthly social assistance cheque was for $576. Even if she could have found a cheap apartment, it would not leave much money for food. She thus could not afford to get takeout food for the first week of recovery. Looking into the public health system's convalescence beds, she was discouraged to find out that she would have to pay $1,700 per month, almost three times her monthly income. *Emploi-Québec* agreed to recognise a temporarily limited capacity to work after the surgery, but this would only increase the sum by about a hundred dollars, far less than what a convalescence bed would cost her.

At the time of the interview, she was unable to confirm if she could get help from the public heath system to recover at home. She had to find a new place to stay, as she could only sleep on her nephew's couch for a few days and shelters were not an option. She was frustrated. About a week after the interview, she called me to tell me that her appointment for the surgery had been cancelled because she did not have a place to recover. She would thus stay trapped in the policy intersection between housing, social assistance, civil status, and health care.

The second example is of a young man who arrived to Montréal in 2008 as a refugee claimant. He had trouble finding work, as employers were reluctant to apply for a temporary work visa. The only job he could find was doing manual labour, which worsened his physical

[112] She showed me her notebook where she kept records of the various government departments, hospitals, clinics, shelters, and social workers she had called as well as the information each had given her.

disability. Soon, he was unable to work. By this time, he had been given his permanent resident status and was able to receive social assistance. His qualifications were not recognised in Canada, and so he applied through *Emploi-Québec* for job training that would give him a similar degree. The process took a few months, but at the time of the interview he had started school.

In parallel, he began his medical transition in 2009. Step by step, he was able to get hormones and surgeries. As it happened, the final surgery was scheduled during his *Emploi-Québec* training. It was bad luck; the timing of both services would cause problems for him. Special training is only offered at certain times of the year, and students must attend the classes in order to be certified. Surgery dates are hard to come by and take years of planning. He was anxious to get on with his life and delaying either his surgery or his training would mean staying on social assistance longer. He thus took the surgery appointment and had to miss a couple weeks of school.

Not wanting to fall behind in school, he returned shortly thereafter. Because he had not yet fully healed, he suffered post-operative complications, further delaying his healing process. At the time of the interview, it had been one month since his surgery and he was back in class. The interaction between health and social services could have gone much worse. He was lucky that with a bit more rest, he was able to continue the healing process. It also seemed as though he was going to be able to complete his training and get his certification.

Regardless, this man's school would not recognise his male name. As a permanent resident, it was not possible for him to change his civil status (either the name or the sex designation). It was not possible for him to get the change made in his country of origin, as they do not recognise trans people. Indeed, he stayed in Canada because it was dangerous for him to return to where he had grown up. Caught between immigration, civil status, and social assistance (job training), his diploma would thus be issued in his previous name. He worried about how this might look to future employers.

Unlike in the previous example, it did not look as though this participant would remain stuck in this cycle. He had close friends who could support him when he needed it. He was resourceful and had good interpersonal skills. With any luck, these skills may have helped him escape this web of policy complications. His situation shows that when policies intersect and work against each other, trans people need even more skills (and, quite honestly, luck), in order to surpass their barriers.

The fact that policies are complex and intersect with each other is not new for policy studies. But the field's bias towards government perspectives makes it harder to get a clear sense of how these interactions function. Consider both Yanow and Dubois, who started with one policy or government agency. This approach is typical in the field: taking on a government-defined policy as an object of study. Changing the object of study to focus attention on policy encounters and shift the dominant perspective to policy users, the intersections of policies within the lives of each individual emerge.

I discovered the importance of the intersection dimension by analysing interviews. Were I to start over, I would have integrated intersections more fully into the research design, specifically by addressing them in interview questions. In addition, should I undertake research with a policy encounters framing in the future, I would work towards finding a way to better showcase the intersections of policies. Organising each of the last four chapters around one policy area was necessary to make the content manageable. But it also hid this crucial dimension of policy encounters. I hope that the examples above, which overviewed the policy encounters in two participants' lives, can give the reader a sense of how policies can intersect. People do not encounter policies as singular entities but rather as a complex web of rules, supports, and barriers.

If one of the potential goals of policy studies scholarship is to make better policies, and I believe it should be, then getting as crisp as possible a picture of these intersections will be key to moving forward. Developing a form of policy analysis for policy users will also have to account for how people's skills and strategies are challenged when policies clash. Indeed, the policy encounters framing offers an exciting avenue for future research.

This chapter concluded my presentation of the policy encounters framing. It again argued that policy priorities should be based on trans people's encounters rather than their transness. It cannot be assumed that civil status is a priority for everyone. Remaining open to participants' perspectives made space for those for whom civil status is a non-issue (either because they had changed their civil status many years ago or because they did not want to make any changes). In addition, this chapter reviewed some of the skills and strategies used by participants to navigate civil status policy, highlighting how important access to quality information becomes in a complex policy context. Moreover, this chapter used the distinction between direct and indirect forms of contact with rights policies to elaborate a nuanced position on gender rights: calling on

trans groups to reconsider this priority while simultaneously recommending that governments accord gender rights. Finally, this chapter presented the final dimension of policy encounters: policy intersections. When policy users encounter policy, they generally face multiple policy areas at once. The intricacy of how policy parameters intersect with each other adds a layer of complexity to encounters. Studying such intersections shows promise for the future. One avenue will be to consider the skills needed to navigate multiple areas at once.

I have now presented the policy encounters framing: its analysis of policy contexts and situations which are used to better understand contact with policy, its principal dimensions (direct/indirect; intersections), and its secondary dimensions (skills and strategies)—both of which contribute to an understanding of the link between policy situations and encounters. I've shown that the policy encounters framing can increase the scope of researchers' considerations of trans people's relationships to policy. It adds both breadth (number of issues examined, e.g., social housing and refugee claims) and depth (e.g., shelters) to the analysis. This framing can also evaluate existing policy on multiple fronts (instead of just transness). It is even apt for evaluating trans-specific policy, such as civil status and human rights. Looking at policy encounters allows the policy analyst to measure the relative importance of gender in various contexts instead of assuming that every policy with the word "gender" is going to cause problems for trans people (e.g., *Identity Screening Regulations*). A policy encounters framing allows for a novel approach to diversity, different kinds questions, and new content. In short, it thinks differently.

I wanted a way to reach dead zones in scholarly understandings of trans people and policy. In this aim, the critical/reflexive approach has been successful. It does not take an object of study for granted but rather studies how objects create particular realities. By examining the relationship between points of view and objects, as well as comparing the realities of different framings, the critical/reflexive approach made it possible to examine policy encounters in a manner that brings to light new content.

Conclusion

I'd like to use this conclusion to do three things. First, I want to explain how this project-centred research took shape, and in particular why I developed the notions of *critique* and *reflexivity* instead of diving directly into the matter of trans people and policy. I was lucky to be exposed to various ways of explaining trans policy issues that are not found in trans scholarship. This contact pushed me to compare ways of knowing about trans people and, eventually, to anchor this project in a reflection on objects of study. I constructed both reflexivity and critique in relation to objects. Throughout the dissertation, I showed how they could be used to evaluate existing objects of study and to choose an appropriate object for this project. I first evaluated *policy* and *transness*, and then elaborated *policy encounters*. Policy encounters allowed me to account for the various perspectives on policy priorities I had observed. By guiding the shift from policy and transness to policy encounters, critique and reflexivity became the keys to my project-centred research, whereby the project is prioritised over disciplinary interests, including pet objects. Critique and reflexivity also played a role in taking actors seriously, by increasing the number of points of view and perspectives considered.

The second intention of this conclusion is to highlight how the above process differs from scholarship in trans studies and policy studies, the project's resulting original contributions, and why all of this matters. Critique is easy. It is difficult, however, to offer critique that can make understanding evolve. I have argued that reflexivity used in conjunction with critique offers a more complete picture of objects and opens the door to this evolution. In the case at hand, this methodology led to increasing the scope of one field (policy studies) and the usefulness of another (trans studies).

I see my project as making two main original contributions to scholarship. First, it proposes the concept of policy encounters as a tool for policy analysis. The dimensions of policy encounters have been elaborated with care and could be of use in other projects (direct/indirect contact, intersections, contexts/situations, skills and strategies). Moreover, my decision to study policy encounters primarily from trans people's points of view counterbalances a bias of policy

studies, which overwhelmingly favours governmental perspectives. It is true that this came at the cost of limiting direct observations of policy encounters, something I will adjust for in the future. But importantly, this focus highlighted the skills and strategies of policy users as well as policy intersections. I think this form of scholarship can meaningfully contribute to policy advice for policy users, although I admit more work is needed to fully develop this potential. The focus on policy users' perspectives also put emphasis on the connections between different policy areas in individuals' lives (e.g., housing, social assistance, and the refugee process). This dimension of policy is much less visible when one starts from the vantage point of one policy area such as housing alone.

My project's second original contribution to scholarship is to offer a detailed and explicit critical/reflexive evaluation of trans studies' transness framing (gender transgesssion), in combination with presenting a promising alternative. While there have been critiques of trans studies in the past, they have been less systematic. The examination of policy work about trans people and its patterns is a particularly useful demonstration of the consequences of the transness framing for our understanding. And while I have concentrated here on transness' embodiment in trans studies, its reach extends beyond, shown by the fact that trans-specific research in policy studies, administrative studies, and legal studies follow the same pattern (the reader will remember that these fields' scholarship was included in the analysis of literature on trans people and policy in chapter three). So although my scholarly conversation on this point is primarily with trans studies, I believe it offers food for thought for other scholars as well. Comparing the framing of policy work on trans people to other views found in Montréal and Toronto trans networks in chapter four further strengthens the claim that scholarship's perspective on policy and trans people needs to expand.

The content presented in the chapters on housing, social assistance, migration, and trans-specific policies are a direct result of the two framing-level contributions named above. As I have argued, a policy encounters framing has added to the breadth and depth of content as well as to the finesse of priority setting and evaluation. This project matters because it shows how we can add substance to our understanding of trans issues. This is not just a dissertation on an important topic; it is a dissertation that adds substance of importance. This nuance is what distinguishes my work from most of trans studies.

The third purpose of this conclusion is to evaluate the project. I come back to two sets of relationships that I presented in the introduction and which can be used to evaluate project-centred scholarship. The first set helps measure the internal coherency of the project, that is, if the following elements are appropriate for each other: object of study, objectives, methods, spheres of knowledge, and discursive strategies. In this conclusion, I outline how I came to study policy encounters. I remind readers that the project's main objective was to understand dead zones in scholarship on trans policy issues. I also touch on the three specific goals: taking actors seriously, offering policy advice to policy users, and intervening in trans studies. To reach my objective and goals, I used a critical/reflexive methodology along with fieldwork and interviews. The first round of analysis was based on comparing points of view, object constructions, and framings in various spheres: policy studies, trans studies, and trans networks. The second round of analysis developed policy encounters with the help of interviews and policy research. Finally, a lot of thought went into presenting this dissertation in an effective manner (discursive strategy). The argument developed in the first part of the dissertation, and especially in the chapter on trans studies, was formulated as to avoid defensive readings, at least as much as possible. I made some bold claims about topics that are dear to the hearts of many trans studies scholars. Finding the right packaging was thus essential to success. As I explained at the beginning of chapter six, part two of the dissertation intervened at both the levels of content and framing. These chapters were written with a reader in mind who has been in contact with the transness framing and with the intent to challenge stubborn thinking patterns. Based on the first set of relationships, the project was largely successful.

While the first set of relationships are internal to the project, the second set links the project and each of its spheres of knowledge. I leave determining whether the project faithfully represented trans studies and policy studies to the committee. Here, I focus on what the project gives back to the principal spheres that shaped its perspective. To policy studies, this dissertation contributes a new model for policy analysis. To trans studies, it offers a detailed review of the transness framing and proposes an alternative. Finally, to trans networks, it offers food for thought in terms of policy priorities and political actions.

Project-Centred Research in the Making

Having now enumerated and briefly overviewed the three purposes of this conclusion, I now turn to explaining how the project took shape. From the start, I have been interested in multiple perspectives as well as their points of view. I remind readers that a point of view is where knowledge starts, and perspective is what knowledge gives. In reading reports and documents produced by trans communities (e.g., Ezra 2011) next to trans studies scholarship, it struck me that many of the issues that are important to communities (like the criminalisation of poverty or migration) were rarely covered by trans studies. Even when these issues were named, discussions were lacking in substance. For instance, the edited volume on transgender migration (Cotten, 2013) includes zero trans international migrants. It is simply unacceptable to profit on the symbolic capital of "important issues" without offering substance in return. Meanwhile, community reports and documents offer analysis of policies that are not even on trans studies' radar. With this project, I wanted to question why the richness of policy analysis in trans networks was absent from scholarship.

The above reflection deepened when reading the work of outlier-scholars in trans studies doing empirical work that examined parts of trans people's everyday lives (Namaste, 2000), worldviews (Rubin, 2003), and relationships to gender (Valentine, 2007) that had been largely ignored by other scholars. I also studied critiques of trans studies' exclusive concern for transgressive aspects of trans people's realities (Prosser, 1998). How the aforementioned works could be canonised as foundational texts to a field and yet for trans studies' scholars to go on with business as usual baffled me. These works and their ideas were simultaneously positioned as important and ignored. Once again, the field fostered importance without substance. My project started to take shape as I searched for a way to understand why some experiences, points of view, and priorities were passed over by trans studies. These elements became the dead zones I wanted to reach. I decided to adopt a discursive strategy that would make this process as explicit as possible in order to resist being absorbed by the field in the same manner as the works cited above. I thus gave a lot of importance to framing devices.

When I began to analyse scholarship on trans people and policy (emanating from trans studies, policy studies, and elsewhere), I was surprised by the extent to which the studies followed a clear-cut pattern. Based on current scholarship, one could easily believe that the only

policies important to trans people were gender policy and gendered aspects of policy. Beyond this, all I could find were superficial statements like "trans people are often underhoused." It seemed rather curious to me that a field founded on values of diversity and transgression could be so homogenous.

To be sure, on the surface, many topics addressed by trans studies appear to embody diversity. This is the field that produced titillating titles such as *Animal Trans* (Hird, 2013), *The Pharmaco-Pornographic Regime: Sex, Gender, and Subjectivity in the Age of Punk Capitalism* (Preciado, 2013), and *Trans Necropolitics: A Transnational Reflection on Violence, Death, and the Trans of Color Afterlife* (Snorton & Haritaworn, 2013).[113] These titles, and the texts that follow, appear diverse because they play on taboos and transgression. Their flashy lights and sounds draw attention away from the fact that they all centre on the same object (transness) and are dominated by the same points of view (i.e., transgressive gender, gender, sexuality). Once we know the code, trans studies is predictable. More importantly, the field is not very useful for understanding trans people's relationships to policy. Chapter three drew the contours of available scholarship: a transness epicentre with little to say about housing, welfare, and migration. A true friend is willing to call a spade a spade. So here we are.

In order to make sense of all of the above, I took on a project-centred approach that does not take its object of study for granted. This approach is why I started this dissertation with critique and reflexivity instead of directly starting with transness and policy. I should note that simultaneously to the chronology so far presented, I started to think about the role of policy in people's lives. This work was in conversation with my disciplinary home: policy studies. But I will get back to this later. First, I need to summarise critique, reflexivity, and the relationship between the two.

Critique and Reflexivity

Many, if not most, trans studies scholars would agree that critique and reflexivity are important. Following Boltanski, I defined critique as challenging the realness of the real, by calling for

[113] All three works are included in the *Transgender Studies Reader 2* (Eds. Stryker and Aizura, 2013)

either a change in representations (radical critique) or a change in practice to fit better with representations (reform critique). Trans studies scholars perform critique every time they point out the failures of the gender binary to capture the lives and experiences of some trans people (radical critique). They also perform critique when they argue that the discrimination and violence that follow from these failures are incongruent with the societal values of justice and equality (reform critique). Following Bourdieu, reflexivity is the examination of relationships between points of view and objects. Trans studies' ethos encourages authors to situate themselves. An argument could be made that this is a form of reflexivity.

The trans studies model of critique and reflexivity brings up important points. This being said, these tools are not working together. The resulting insight, for all of its importance, is just the tip of the iceberg of critical and reflexive potentiality. Trans studies does not leave much room for growth and evolution. Indeed, I think this can go a long way to explaining the lack of substance in trans studies. Critique and reflexivity become more powerful when they are combined in a research practice through the careful analysis of the points of view, perspectives, and knowledge objects that frame content. I believe that part of the originality of my project is to do just this. Below, I remind readers of some key features of critique and reflexivity, to then compare a trans studies model (which I detailed in chapters one and three) with my own approach, as developed throughout the dissertation.

In order to perform critique, one must compare representations and/or practices found in the world (objects like the gender binary) with the world in flux (the world-as-is). In Boltanski, these are tests of truth. However, no one has access to pure Being nor the ability to capture or contain it in speech and action. The only option is to use points of view (e.g., situated knowledges, alternative representations, and experiences) to challenge the realness of a "real." Contrary to what such an abstract summary might suggest, critique is easy to do. The "real" will never live up to the real. All we have to do is point out the discrepancies and we are performing critique. But critical exercises are not all equal.

Boltanski claims that successful critiques (*montée en généralité*) are those that can effectively buttress themselves on institutions, that is, accepted and/or established discursive practices. It is claimed that institutions are unsituated beings, or in other words without a point of view. The joke is that scholar-scientists know this is impossible, but claim it anyways. We know that if critique is accepted as being founded on institutions, then it will be shielded from being

relegated to *just another point of view*. Such a discursive strategy increases the chances that one can have the last word or win the argument. I agree with Boltanski that it is impossible to fully escape this hermeneutic contradiction. But none of this implies that successful critique is good critique.

Good critique is a window onto the world in flux. So it is best for scholars to avoid, when at all possible, the noble myth that our critiques lack a point of view. Rather than hide points of view, good critique should explicitly bring into relation multiple points of view in order to evaluate (fuzzy) objects. This is not the same thing as saying that critique should highlight a point of view that has been neglected (e.g., transgressive gender). A single point of view can bring up important critiques, but it has no way of knowing when it is wrong. It is just another "real." One-track reflexivity, which highlights a singular mode of points of view, is just as disappointing. It is a narcissistic exercise in producing the scholar-subject: singular, known to self, and capable of being the *one that knows*. Indeed, when used in isolation, both critique and reflexivity work to elevate scholars above actors. This perverts both tools that are in fact designed to do the opposite: create the conditions to take actors seriously.

Taking inspiration from Bourdieu, I argued that reflexivity works best for an examination of relationships between multiple points of view and the objects they create. Bourdieu places this activity at three levels: social position, position in academia, and intellectual gaze. I think it is more important to emphasise multiple points of view than to identify three key reflexive moves. Notably, I included reflexive comments about my position in the university throughout this dissertation, and I presented a critique of trans studies' intellectual bias. In contrast, trans studies scholars limit themselves to social positioning. An important consequence of the trans studies approach is that reflexivity becomes about the personal. This field would encourage me to reflect on who I am instead of on the points of view that shape my perspective.

Once we understand how both critique and reflexivity work best with multiple points of view, we can finally get them to work together. I will illustrate by comparing trans studies and my project. Trans studies is founded on a singular model of critique that centres on gender transgression. New instances of this critique remain critical, but they are repetitive. Trans people are underhoused because their families reject their gender; they do not feel safe expressing their gender in front of their roommates; they cannot afford rent because of anti-trans employment discrimination. Yes, trans people are often underhoused, yes this is important, and yes action is

required to address the issue. What is the next step? Trans studies cannot help us answer this question. It is a critique that falls flat. Trans studies' reflexivity also gravitates around the same points: authors situate themselves in terms of gender, sex, and sexuality. They do not ask about trans studies' perspective and how this guides their new projects. They do not seek out new points of view. Trans studies' reflexive focus on the personal distracts from an examination of the relationship between its object (transness) and its dominant point of view (transgressive gender). As a result, trans studies has taken its object of study for granted. The field is wildly popular, but it is the one-hit wonder of academia. It stagnates. Academia needs depth and breadth; it needs to evolve.

Contrary to what most trans studies scholars would do, I started by comparing the perspectives inside and outside of the university—outliers and main approaches. I examined the history of the field and its impact on current framing, making the links to content. I questioned its object of study and chose an object that could make space for parts of trans people's lives that have nothing to do with being trans. I found that trans people can be underhoused for many reasons: transphobia, a shortage of affordable housing or shelter beds, not having the interactional skills to deal with neighbours; inadequate housing for their health needs and disabilities, and lack of access to the information regarding shelters and housing programs. I also found that some trans people make allies in order to get housing faster, choose their battles as to protect their stable housing, or convince their housing worker that they need to be transferred to an adequate unit. Making reflexivity and critique work together allows scholars to construct objects differently. We can then evolve beyond "trans people are underhoused because of transphobia." The next section explains how I operationalised critique and reflexivity to make this evolution happen.

Framing Perspective

Making critique and reflexivity work together relies on a distinction between a point of view and a perspective. The two are closely linked. To revisit the image in chapter one, a point of view is the location where we stand to see a landscape, and the perspective is what becomes visible to us

(and how it becomes visible). The points of departure in this case can be social locations (a scholar looking at academic scholarship, a trans woman facing a street-level bureaucrat, policy studies starting with government). The points of departure can also be conceptual—gender, sexuality, transgression, or policy—and then lead outwards. Perspectives can be found in scholarly fields, in community organising, and in individual worldviews. As I have argued, a single point does not make a perspective. One person, one group, one event, or one field takes on multiple points of view; together these points (along with how we move thought) help shape perspective. This is why it is important to pay attention to the dominant points of view in a particular field or sphere. Academics come to think that their models stand in for the world. Trans studies cannot see elements of trans people's lives that have nothing to do with being transgressive or trans. Policy studies does not pay much attention to the skills of policy users.

In order to operationalise my conceptual framework (critique, reflexivity, point of view, perspective, project-centred research) within the context of this project, I worked on developing an ethnographic sensibility. I explained my use of this notion in chapters one, two, and four. An ethnographic sensibility is an attempt to glean the meaning ascribed to the world by actors. I had to adapt this general approach to make it suitable and manageable in my project. I took inspiration from Pader's (2006) view, which specifies that an ethnographic sensibility gains access to meaning by examining categories of thought and structural principles. Adapting this to my project, I access meaning by examining framing devices and framing. A second precision is that I extend this sensibility to fields of scholarship, thus putting into practice Bourdieu's advice that one turn the tools of analysis against oneself. Finally, my interest in co-existing perspectives has meant that that my ethnographic sensibility has been developed by comparing points of view, framing devices, and contents.

My use of an ethnographic sensibility is embryonic because I do not have a history of reading anthropological works nor training in this field. As Yanow (2006) notes, this implies that I did not come to this project with the tacit knowledge of an ethnographer. I have borrowed this term (Klein, 1990). I developed my ethnographic eye by attempting to think through another "real," and even multiple realities, as I moved between spheres: fields (policy studies, trans studies), the trans networks that form around community organisations, and the individuals who I interviewed. This overlap of spheres is where I searched for dead zones.

In each case, I had to make sense of content, but the nature of this content varied: scholarship, key informant meetings, community documents, events, people, interview audio recordings, and transcriptions. The data varied, but in each case it was possible to uncover regularities and structuring forces. Indeed, I proceeded by moving between patterns in content and framing devices. I examined the emergence of fields and perspectives as well as their points of departure; categories and logics, stock knowledge, and common-sense truths; as well as discursive practices such as stories and rituals. This work distinguished between highly ordered and regular spaces (trans studies) and those that were much less so (individual interviews). It also made clear what the transness framing was missing. I then made use of an ethnographic sensibility to remain open to the perspectives of the trans people I interviewed, allowing me to develop the policy encounters framing in a manner that respects actors: their experiences, their opinions, and their worldviews. It is by paying attention to what interests participants that I was able to identify the importance of distinguishing direct and indirect contact with policy or the central place that policy intersections have in people's policy encounters.

From Reflexivity and Critique to Policy Encounters

While I turned to policy encounters to overcome the shortfalls of transness, I developed it in conversation with policy studies and its object: policy. Below, I review policy encounters from the perspective of policy studies to remind readers of its contributions to the field. I also sum up what I discovered throughout the project about policy encounters' dimensions, reframing of knowledge, and impact on content.

Policy studies is dominated by governmental perspectives. This is a result of its history and conditions of possibility, namely government expansion and needs in terms of policy expertise and advice. Policy scholars starting from the government side of policy have reached out as far as possible to examine front-line implementation: street-level bureaucrats (Lipsky, 1983), citizen views of policy (Yanow, 1996), and citizen contact with policy (Dubois, 2010). But these works remain government-centric. Yanow examines what (or rather how) policy means to people and how people act in consequence. But, she considers policy users on the same plane

as she does bureaucrats. Furthermore, she starts from a specific government policy, designs her research around this policy, and proceeds with the ultimate goal of offering advice to policymakers. Dubois also started from a government policy point: welfare offices. He spent considerable time in welfare offices. He sat with people waiting, talked to them, and even interviewed some. He also witnessed many exchanges (policy encounters) between bureaucrats and welfare clients. However, he sat behind the desk, next to the welfare worker. As Dubois explains, welfare clients generally assumed that he was an intern. And whereas he talked to clients as they came into the office, he developed relationships with welfare agents who he saw on a daily basis. The space he chose to study shaped his perspective. Yanow and Dubois consider policy users, and they have insights about policy encounters, but they do it from a perspective dominated by government points of view. I chose to shake things up. My dissertation is a study of policy encounters primarily from policy users' perspectives, and this approach changes the way policy analysis occurs and whom it is for.

A second point to consider is that while authors like Yanow and Dubois give us insights about policy encounters, the concept has remained untheorised. Policy encounters are viewed as a dimension of policy in this kind of research. However, a direct focus on policy encounters allows the policy context to become a dimension of policy encounters! My project developed some of policy encounters' dimensions through empirical work with trans people. First, I made a distinction between direct and indirect forms of contact. Direct forms of contact may involve street-level bureaucrats, community workers, forms, or procedures. Indirect contact occurs as trans people move in networks to gain policy information (e.g., about civil status changes), form policy opinions (e.g., about human rights), and interact with the remnants of past programs (e.g., social housing units). This analytical distinction has proved useful in finding a way to incorporate both the voice of actors (their opinions) as well as their experiences (direct contact) in order to offer a multidimensional analysis of policy. As such, it promotes taking actors seriously.

My research also highlighted the intersections of policies. It is when policies combine that they become most dangerous, requiring great skill and luck to surmount. Some trans people find themselves stuck in a policy-induced downward spiral, causing them to become isolated and marginalised for decades. During this time, the toll on their mental and physical health makes it even harder for them to perform the skills needed to escape their policy traps.

The notions of policy situations and policy contexts were used to examine each side of the policy encounters equation. A policy situation refers to those aspects of a person's life that are relevant to policy. In this project, these were examined through the interviewees' explanations of their day-to-day lives. The policy context includes the law, regulations, administrative policies, as well as informal policies and street-level bureaucrats' decisions. These were examined through laws, regulations, administrative policies, court decisions, governmental agency reports, reports by non-governmental organisations, and interviewees' explanations. Because I started from the interviewees' policy situations, as described by the participants in interviews, the dominant perspectives here are theirs. However, as the above indicates, I also considered government perspectives. Both policy situations and contexts will need further development through more empirical work.

Finally, I looked at the skills and strategies needed to successfully navigate imperfect policies. These included interpersonal skills (communication skills, social norms and etiquette, expectations and attitudes, and general social skills), interactional style (avoidance/confrontation, level of autonomy, strategising and problem-solving), and information networks (finding and evaluating information). Having the right skills and strategies can go a long way towards mitigating the negative consequences of policies. I suspect that further work in policy analysis on such skills would be of use for policy users.

Following policy encounters' dimensions, I turn to how this object reorganises knowledge. One point in particular is relevant: a shift from understanding diversity in terms of identity categories or categories of difference to doing so through policy. Examining the points of contact between lives and policy has offered a new take on diversity. Diversity is seen in the multiple policies trans people come into contact with (e.g., not everyone comes into contact with civil status) but also policies' many meanings, importance, and problematisations, not to mention trans people's various attitudes towards policy (to avoid or confront) as well as their skills and strategies. Indeed, because this project started from trans people's perspectives of policy encounters, the work of actors was made visible. This diversity was visible because I used critique and reflexivity together. And in a comparison of what policy encounters and transness have to offer, the advantage of critique and reflexivity become even more apparent.

What happens when scholars reorder policy-relevant knowledge around trans people's policy encounters instead of transness? First, we increase the breadth of issues considered. This

breadth was apparent in my examination of housing, where social housing, an issue that does not get attention in trans studies, came up as a central issue in one third of interviews. It emerged further in interviews about the multiple dimensions of emergency shelter access, such as the links found between health needs and shelter hours of operation, or between funding and the number of available shelter beds. The number of issues continued to grow through discussions of social assistance and the refugee claim process, and new dimensions emerged such as the cost of civil status changes and direct contact with *Identity Screening Regulations*.

Second, the policy encounters framing adds depth to the issues that are considered. Trans studies frustratingly has the tendency to name issues without being able to say anything of substance about them. Many trans people are underhoused, underemployed, or face discrimination and violence. Beyond transness, what can we say? A policy encounters framing opens up an in-depth discussion of the evolution of funding that has led to cockroach-infested social housing units. It allows for a comparison of the various interventions of social workers, housing support workers, community workers, and Toronto Housing bureaucrats who attempt to mitigate the effects of the housing crisis. Also, this framing makes room for the multiple dimensions of trans belonging—which neighbourhoods are safe or not, close to participants' communities or not—and also how eligibility criteria include and exclude—which co-tenants are seen as helpful, transphobic, or undesirable. Furthermore, it reveals strategies trans people employ: to choose not to fight a building administrator's use of a previous name, to find the words to explain why a building transfer is necessary, or to find a way to pay the rent while waiting for a social housing unit to become available. Likewise, when examining social assistance and migration, a policy encounters framing leads to a rich analysis.

Third, a policy encounters framing gives a precise and nuanced critique. The transness framing is like a broken clock—it shows the right time twice a day but we have no way of knowing when. The policy encounters framing, however, can measure the relative importance of gender in various contexts. Following Boltanski, experiences can lead to radical critique. They can dislodge the realness of the world by opening a door to the world-as-is. From the points of contact between policies and multifaceted lives, we can offer critique on many fronts. The results are not the final word, but they can enrich the conversation. One example of such a conversation is regarding human rights. I added to discussions by examining direct contact with rights alongside opinions held about rights; the concrete and symbolic values of rights along with the

effort needed to add gender identity into human rights legislation; and finally the Canadian legal system (identity based) alongside the relative importance of gender and sex. I went beyond the presumed need to add gender identity in human rights legislation because trans people face discrimination. Through such an evaluation, political priorities open up to critique.

The fourth advantage of the policy encounters framing is to drive home the point that transness is not the equivalent of trans issues. The *Identity Screening Regulations* have a clear link to gender. They require that gender presentation match the sex designation of identity documents used to board a plane. This proximity leads to a thinking shortcut, and the policy is assumed to be not only relevant but also a symbol of all the trans-related legal activity in Canada. Meanwhile anti-refugee policies that block borders and leave people to die go unnoticed by this framing.

Taken together, the four advantages named above (breadth, depth, priorities, and evaluations) are proof that this project has succeeded in reaching some of the dead zones of trans studies. Moreover, their detailing throughout the dissertation constitutes a solid intervention in trans studies. Part two of this dissertation examined housing, social assistance, migration, and trans-specific policies in a manner that takes actors seriously, even when trans studies does not. It moved towards the goal of policy advice for policy users. In the process of reaching my objectives and goals, I have contributed to policy studies and trans studies. Part two also offered trans networks food for thought by suggesting that *Identity Screening Regulations* and adding gender to human rights legislation should not be political priorities. Of course, the project also has its limits.

Limits and Future Avenues of Research

Focusing on policy encounters from trans people's perspectives served many goals and proved itself to be productive. It highlighted several policy areas that are important in trans people’s lives. It also brought forth the intersections between these policies. Furthermore, it makes visible trans people's skills and strategies. It respects trans people's voices in the context of trans studies and counters government-centric bias within policy studies. However, this research design also

comes with limitations. Because I examined multiple policy spheres, it was not possible to directly observe street-level bureaucrats, community workers, and policy encounters. Furthermore, not knowing about the policy areas (housing, social assistance, and migration) in detail before entering the field meant that I could not push some questions and issues as far as they could have been. Next time, while keeping in mind actors' work and multiple policy spheres' interactions, I will centre my analysis on a specific policy area (instead of a population), which will allow for direct observation of policy encounters and a deeper analysis of policy.

Next, with this project I wanted to find a way to give policy advice to policy users. But by the time I recognised what this might look like, some actions were no longer possible. One potential avenue for future research would be to exchange policy-consulting services for access to a community organisation—for example, by giving advice about their policy strategies or offering to evaluate their programs. Once the skills and strategies dimension of policy encounters have been further elaborated, this too may be of interest to organisations. I remain convinced that this form of analysis can support community organisations and even individual policy users. Knowing more about what makes interactions with imperfect policies successful has great potential for policy users.

There are also limits to what one project can accomplish. I enumerate here a few points that I may come back to in the future. This project has analysed the transness framing and to a much lesser extent intersectionality (chapter five) and the marginality framing (chapter four). I think the identity framing family is the new humanism, in terms of the problem it poses; however, I would still like to further explore its meanings. These framings are present in Canadian anti-discrimination laws (prohibited grounds), in government relations to social groups (the CQGL's relationship to successive justice ministers), in media considerations of minority groups, and in the organisation of many critical university fields (gender studies, critical race theory, queer theory, trans studies, and so on). I want to get to know these framings and how they relate to one another. The next step will be to take a closer examination of intersectionality (identity and power).

There are also limits that relate to the development of know-how. First, I want to gain a better understanding of the philosophical roots of contemporary policy analysis, starting with the history of structuralism, in order to better put into practice its insights and mitigate its limits—in

other words, to develop a structuralist know-how. Second, I seek to further develop an ethnographic sensibility through further fieldwork inside and outside of the university.

There is one final limit, which I have set aside for a rainy day. I wonder about the effects of being problem focused on content, and especially on the ability to understand and address problems. There were so many policy encounters that came up in interviews that I had to ignore most of them during analysis. I chose to focus on problematic policies. I am not sure this is the best way to theorise policy encounters. In chapter six, I gave a more general overview of participants' housing policy situations, noting those in stable housing. There may be something to learn from examining these cases in more detail. Related to this focus on problems, I wonder if it is possible to develop a policy analysis which produces solutions other than more policy.

I decided early on not take my object of study for granted. And so I started with critique and reflexivity instead of policy and trans people. I quickly learned that making critique and reflexivity work together distinguished my project from other work on trans people and that my unorthodox methodology would allow me to add substance. My critical/reflexive review of transness pushes the field to evolve and become more useful. The policy encounters analysis expands the scope of policy studies. It reaches some of the dead zones of scholarship about trans people and policy. But it was not just a theoretical exercise. Policy encounters matter to people. Considering the role of stories throughout this dissertation, it only is fitting to end with one last anecdote.

This story took place during the final stretch of thesis writing, at a time when my own motivation was waning. I phoned a woman whom I interviewed for this project in order to give her an update on the direction that it had taken since our interview. She took the opportunity to give me an update on her life. It had now been five years since she had last seen her children, despite a court order confirming her right to regular contact. She had exhausted her options with legal aid. One lawyer, for example, had refused her service explaining that "*C'est contre mes convictions la transsexualité*." Finding a way to see her children was her biggest priority, but nobody was interested in hearing about it. She had given a few interviews for television and print news media, where she had wanted to talk about these experiences. She wanted to bring up her children, but all the reporters wanted to hear about was transitioning. So she ended up giving tips

and answering basic "trans 101" questions. She explained to me "*C'est qu'on m'entend, mais on ne m'entend pas*." She was thrilled when I asked her if I could include this conversation in my dissertation. It really mattered to her. She was also frustrated that my project would not give an in-depth analysis of trans parents who are unable to see their children. I cannot say I blame her.

During interviews, I heard about many priorities and I have only been able to address a fraction in this dissertation. But if I had to describe my project in one sentence, I would say: Through its investigation of policy encounters, my work opened the door for trans people to discuss political priorities beyond their transness. And for people like the woman above, that is radical.

Bibliography

References marked with an asterisk indicate references included in meta-analysis.

Action santé travesti(e)s et transsexuel(le)s du Québec (ASTT(e)Q). (2013, January 7). TONIGHT! CE SOIR! /// Souper Communautaire! [E-mail correspondence sent through the organisation's mailing list].

Action santé travesti(e)s et transsexuel(le)s du Québec (ASTT(e)Q). (2013, January 25). ASTT(e)Q urges Québec shelters to change discriminatory practices. Retrieved from www.astteq.org

Aeronautics Act, Revised Statutes of Canada (1985, c. A-2). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/acts/A-2/

Aide aux trans du Québec (ATQ). (2015a). Les rencontres. Retrieved from http://www.atq1980.org/sujet/archives/rencontres/page/10/

Aide aux trans du Québec (ATQ). (2015b). Lexique. Retrieved from http://www.atq1980.org/lexique/

Allison, G. (1971). Essence of the decision: Explaining the Cuban missile crisis. Boston: Little Brown.

An Act to amend the Human Rights Code with respect to gender identity and gender expression, Statutes of Ontario (2012 C.7). Retrieved from Ontario Legislature website: http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=2574

Anderson, G. (1992). *Housing policy in Canada: Lecture series*. Prepared for the Canada Mortgage and Housing Corporation. University of British Columbia.

Arkles, G. (2008-2009). Safety and solidarity across gender lines: Rethinking segregation of transgender people in detention. *Temple Political & Civil Rights Law Review*, *18*(2), 515–560.

Arnheim, R. (1969). *Visual Thinking* [35th anniversary printing]. Berkeley: University of California Press.

Arnold, G. (2015). Street-level policy entrepreneurship. *Public Management Review*, *17*(3), 307–327. doi:10.1080/14719037.2013.806577

Arte France (Producer). (2006). *Judith Butler: Philosophe en tout genre*.

Austin, J. L. (1975[1962]). *How to do things with words* (2nd ed.). Cambridge: Harvard University Press.

Bacchi, C. (1999). *Women, policy, and politics: The construction of policy problems.* London: Sage Publications.

Bacchi, C. (2000). Policy as discourse: What does it mean? Where does it get us?. *Discourse: Studies in the Cultural Politics of Education, 21*(1), 45–57. doi:10.1080/01596300050005493

Bacchi, C. (2005). Discourse, discourse everywhere: Subject 'agency' in feminist discourse methodology. *Nordic Journal of Women's Studies, 13*(3), 198–209. doi:10.1080/08038740600600407

Bacchi, C. (2009a). Analysing policy: What's the problem representation to be?. Pearson Education.

Bacchi, C. (2009b). The issue of intentionality in frame theory: The need for reflexive framing. In. E. Lombardo, P. Meier, & M. Verloo (Eds.) *The discursive politics of gender equality: Stretching, bending and policymaking* (pp. 19–35). London: Routledge.

Bach, J. (2013). Assessing transgender asylum claims. *Forced Migration Review*, *42*, 34–38.

Bahdi, R. (2003). No exit: racial profiling and Canada's war against terrorism. *Osgoode Hall Law Journal*, *41*(2), 293–316.

Balanced Refugee Reform Act, Statues of Canada (2010, c. 8). Retrieved from the Department of Justice Canada website: http://laws.justice.gc.ca/eng/annualstatutes/2010_8/page-1.html

Baril, A. (2013). *La normativité corporelle sous le bistouri : (Re)penser l'intersectionnalité et les solidarités entre les études féministes, trans et sur le handicap à travers la transsexualité et la transcapacité*, Doctoral thesis, Institut d'études des femmes, Faculté des sciences sociales, Université d'Ottawa.

Barns, S. (2013). *The real cost of cutting refugee health benefits*. Retrieved from The Wellesley Institute website: www.wellesleyinstitute.com.

Bassichis, M., Lee, A., & Spade, D. (2011). Building an abolitionist trans & queer movement with everything we've got. In E. Stanley & N. Smith (Eds.), *Captive genders: Trans embodiment and the industrial complex* (pp.15–40). Edinburgh: AK Press.

Bateson, G. (1972[1955]). *Steps to an ecology of the mind*. The University of Chicago Press.

Bauerlein, M. (2004). Bad writing's back. *Philosophy and Literature*, *28*(1), 180–191.

Bender-Baird, K. (2011). *Transgender employment experiences: Gendered perceptions and the law*. New York: Suny Press.

Benjamin, H. (1999[1966]). *The transsexual phenomenon*. New York: The Julian Press.

Benjamin, H. (2006[1954]). Transsexualism and transvestites as psycho-somatic and somato-psychic syndromes. In S. Stryker & S. Whittle (Eds.). *The transgender studies reader* (pp.45–52). New York: Routledge.

Bertin, J. (2005[1967]). *Sémiologie graphique: Les diagrammes, les réseaux, les cartes* (4th ed.). Paris: Les Réimpressions des Éditions de l'École des hautes études en sciences sociales.

Bettcher, T., & Garry, A. (2009). Introduction. *Hypatia: Transgender studies and feminism: Theory, politics, and gendered realities* [Special issue]*, 24*(3), 1–10.

Bettcher, T., & Garry, A. (Eds.). (2009). Transgender Studies and Feminism: Theory, Politics, and Gendered Realities [Special Issue]. *Hypatia*, *24*(3).

Bhabha, F. A. (2003). Tracking "terrorists" or solidifying stereotypes? Canada's anti-terrorism act in light of the charter's equality guarantee. Windsor Review of Legal and Social Issues, *16*: 95–136

Bilge, S. (2009). Théorisations féministes de l'intersectionnalité. *Diogène*, *225*, 70–88. doi:10.3917/dio.225.0070

Bill C-204: An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity and gender expression). (2015). 1st Reading Dec. 9, 2015, 42nd Parliament, 1st session. Retrieved from the Parliament of Canada website: http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=8064887

Bill C-279: An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity). (2011). Passed by the House of Commons Oct. 16, 2013. 41st Parliament, 2nd session. Retrieved from the Parliament of Canada website: http://www.parl.gc.ca/content/hoc/Bills/412/Private/C-279/C-279_3/C-279_3.PDF

Bill C-389: An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity and gender expression. (2009). Passed by the House of Commons Feb. 9, 2011, 40th Parliament, 3rd session. Retrieved from the Parliament of Canada website: http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=4328122

Boltanski, L. (2009). *De la critique: Précis de la sociologie de l'émancipation*. Paris: Gallimard.

Bornstein, K. (1995[1994]). *Gender outlaw: On men, women, and the rest of us*. New York: Routledge.

Bouchard, G., & Carroll, B. W. (2002). Policy-making and administrative discretion: The case of immigration in Canada. *Canadian Public Administration*, *45*(2), 239–257. doi:10.1111/j.1754-7121.2002.tb01082.x

Bourdieu, P. (1980). *Le sens pratique*. Paris: Les Éditions de Minuit.

Bourdieu, P. (1982). *Leçon sur la leçon*. Paris: Les Éditions de Minuit.

Bourdieu, P. (1987). *Choses dites*. Paris: Les Éditions de Minuit.

Bourdieu, P. (1990). The scholastic point of view. *Cultural Anthropology, 5*(4), 380–391.

Bourdieu, P. (2000 [1972]). *Esquisse d'une théorie de la pratique*. Paris: Éditions du Seuil.

Bourdieu, P. (2001). *Science de la science et de la réflexivité: Cours du Collège de France 2000–2001*. Paris: Éditions raisons d'agir.

Bourdieu, P. (2004). *Esquisse pour une auto-analyse*. Paris: Éditions raisons d'agir.

Bourdieu, P. (2008). *Esquisses algériennes*. Paris: Seuil.

Bourdieu, P., & Wacquant, L. J. D. (1992). *An invitation to reflexive sociology*. University of Chicago Press.

Brady, M. (2011). Researching governmentalities through ethnography: The case of Australian welfare reforms and programs for single parents. *Critical Policy Studies*, *5*(3), 264–282. doi:10.1080/19460171.2011.606300

Broadus, K. (2006). The evolution of employment discrimination protections for transgender people. In P. Currah, R. Juang, & S. P. Minter. (Eds.), *Transgender rights* (pp. 93–101). Minneapolis: University of Minnesota Press.

Brooks, S. (1996). The policy analysis profession in Canada. In. L. Dobuzinskis, M. Howlett, & D. Laycock (Eds.), *Policy studies in Canada: The state of the art* (pp. 69–90). University of Toronto Press.

Brown, D. (2005). Electronic government and public administration. *International Review of Administrative Sciences, 71*(2), 241–254. doi:10.1177/0020852305053883

Brown, G. R., & McDuffie, E. (2009). Health care policies addressing transgender inmates in prison systems in the United States. *Journal of Correctional Health Care*, *15*(4), 280–291. doi:10.1177/1078345809340423

Bureau, M. F., & Sauvé, J. S. (2011). Changement de la mention du sexe et état civil au Québec : Critique d'une approche législative archaïque. *Revue de droit de l'Université de Sherbrooke*, *41*(1), 1–50.

Burt, S. (1995). The several worlds of policy analysis: Traditional approaches and feminist critiques. In S. Burt, & L. Code (Eds.), *Changing methods: Feminists transforming practice* (pp. 357–378). Peterborough: Broadview Press.

Butler, J. (1993a). *Bodies that matter: On the discursive limits of "sex."* New York: Routledge.

Butler, J. (1993b). Critically queer. *GLQ: A Journal of Lesbian and Gay Studies, 1*, 17–32.

Butler, J. (2004). *Undoing gender*. New York: Routledge

Butler, J. (2006[1990]). *Gender trouble: Feminism and the subversion of identity*. New York: Routledge.

Butler, J. (2012a). Can one lead a good life in a bad life?: Adorno Prize Lecture. *Radical Philosophy*, *176*, 9–18.

Butler, J. (2012b). Precarious life, vulnerability, and the ethics of cohabitation. *The Journal for Speculative Philosophy*, *26*(2), 134–151.

Butler Burke, Nora. (Forthcoming 2016). Connecting the dots: National security, the crime-migration nexus, and trans women's survival. In Y. Martinez-San Miguel, & S. Tobias (Eds.), *Trans studies: The challenge to hetero/homo normative* (pp. 113–121). New Brunswick: Rutgers University Press.

Canada and United States. (2002). *Final Text of the Safe Third Country Agreement*. Electronic copy, Retrieved from Citizenship and Immigration Canada website: http://www.cic.gc.ca/english/department/laws-policy/safe-third.asp

Canada Pension Plan, Revised Statutes of Canada (1985, c. C-8). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/acts/c-8/fulltext.html

Canada Pension Plan Regulations, Consolidated Regulations of Canada (c. 385). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._385/

Canada. Dept. of Finance. (1993). *Budget plan 1993* (Cat. No.: Not included). Ottawa: Author. Retrieved from http://www.budget.gc.ca/pdfarch/1993-plan-eng.pdf

Canada. Dept. of Finance. (1994). *Budget plan 1994* (Cat. No.: Not included). Ottawa: Author. Retrieved from http://www.budget.gc.ca/pdfarch/1994-plan-eng.pdf

Canada. Dept. of Finance. (1995). *Budget plan 1995* (Cat No.: F1-23/1995-2). Ottawa: Author. Retrieved from http://fin.gc.ca/budget95/binb/budget1995-eng.pdf

Canada. Dept. of Finance. (1996). *Budget plan 1996* (Cat No.: F1-23/1996-1E). Ottawa: Author. Retrieved from http://www.fin.gc.ca/budget96/bp/bp96e.pdf

Canada. Dept. of Finance. (2001). *The budget plan 2001* (Cat. No.: F1-23/2001-3E). Ottawa: Author. Retrieved from http://www.fin.gc.ca/budget01/pdf/bpe.pdf

Canada. Dept. of Finance. (2003). *The budget plan 2003* (Cat. No.: F1-23/2003-3E). Ottawa: Author. Retrieved from http://fin.gc.ca/budget03/pdf/bp2003e.pdf

Canada. Dept. of Finance. (2009). *Budget 2009* (Cat. No.: F1-23/2009-3E). Ottawa: Author. Retrieved from http://www.budget.gc.ca/2009/pdf/budget-planbugetaire-eng.pdf

Canada. Dept. of Finance. (2010). *Budget 2010* (Cat. No.: F1-23/3-2010E). Ottawa: Author. Retrieved from http://www.budget.gc.ca/2010/pdf/budget-planbudgetaire-eng.pdf

Canada. Dept. of Finance. (2011). *Budget 2011* (Cat. No.: F1-23/3-2011E). Ottawa: Author. Retrieved from http://www.budget.gc.ca/march-mars-2011/plan/Budget2011-eng.pdf

Canada. Dept. of Finance. (2012). *Budget 2012* (Cat. No.: F1-23/3-2012E). Ottawa: Author. Retrieved from http://www.budget.gc.ca/2012/plan/pdf/Plan2012-eng.pdf

Canada. Dept. of Finance. (2013). *Budget 2013* (Cat. No.: Not included). Ottawa: Author. Retrieved from http://www.budget.gc.ca/2013/doc/plan/budget2013-eng.pdf

Canada. Dept. of Finance. (2014). *Budget 2014* (Cat. No.: F1-23/3-2014E). Ottawa: Author. Retrieved from http://www.budget.gc.ca/2014/docs/plan/pdf/budget2014-eng.pdf

Canada Mortgage and Housing Corporation (CMHC). (1992). *Annual Report 1992*. Retrieved from ftp://ftp.cmhc-schl.gc.ca/chic-ccdh/Annual%20Reports%20CMHC/

Canada Mortgage and Housing Corporation (CMHC). (2001). *Research report: The history of Canada's Residential Rehabilitation Assistance* Program (RRAP). Ottawa: Author.

Canada Mortgage and Housing Corporation (CMHC). (2011a). *2011 Annual report: A solid foundation for generations* (Cat. No.: NHI-1/2011E). Ottawa: Author.

Canada Mortgage and Housing Corporation (CMHC). (2011b). *2011-2015 Summary of the Corporate Plan* (Cat. No.: NH1-5/2011E). Ottawa: Author.

Canada Mortgage and Housing Corporation (CMHC). (2013a). *Rental market report: Greater Toronto area. Fall 2013*. Retrieved from https://www03.cmhc-schl.gc.ca/catalog/productDetail.cfm?lang=en&cat=101&itm=15&fr=1396983622058

Canada Mortgage and Housing Corporation (CMHC). (2013b). *Rental market report: Montréal CMA. Fall 2013*. Retrieved from https://www03.cmhc-schl.gc.ca/catalog/productDetail.cfm?cat=94&itm=3&lang=en&fr=1396983535412

Canada Mortgage and Housing Corporation (CMHC). (2015). *About Affordable Housing in Canada*. Retrieved from http://www.cmhc-schl.gc.ca/en/inpr/afhoce/afhoce_021.cfm

Canadian Association of Refugee Lawyers. (2012). *Press release: Designated country of origin scheme is arbitrary, unfair, and unconstitutional*. Retrieved from http://www.carl-acaadr.ca/articles/32.

Canadian Bar Association. (2012). *Bill C-31: Protecting Canada's Immigration System Act*. Retrieved from http://www.cba.org/CBA/submissions/pdf/12-27-eng.pdf

Canadian Charter of Rights and Freedoms, s. 2, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), (1982), c 11.

Canadian Doctors for Refugee Care. (2014). *Federal government sabotaging efforts to provide care for refugees under Ontario Temporary Health Program*. Retrieved from http://www.doctorsforrefugeecare.ca/.

Canadian Doctors for Refugee Care v. Attorney General of Canada, 651 Federal Court. (2014). Retrieved from the Federal Court's website: http://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/72437/index.do?r=AAAAAQA_Q2FuYWRpYW4gRG9jdG9ycyBmb3IgUmVmdWdlZSBDYXJlIHYuIEF0dG9ybmV5IEdlbmVyYWwgb2YgQ2FuYWRhAQ

Canadian Human Rights Act, Revised Statues of Canada (1985, c. H-6). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/acts/h-6/

Cauldwell, D. (2006[n.d]). Psychopathia transexualis. In S. Stryker, & S. Whittle (Eds.). *The transgender studies reader* (pp. 40–44). New York: Routledge.

Carbado, D. W. (2013). Colorblind intersectionality. *Signs: Journal of Women in Culture and Society*, *38*(4), 811–845. doi:10.1086/669666

CBC News. (2010, January 6). *Canada reviewing U.S. air security measures: Baird*. Retrieved from http://www.cbc.ca/

CBC News, (2012, April 19). *Legal sex change doesn't require surgery, tribunal says*. Retrieved from http://www.cbc.ca

Centre for Gender Advocacy. 2013. *Condition trans au Québec:* État des faits. Montréal.

Change of Name Act, *Revised Statutes of Ontario* (1990, c. C.7). Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/statute/90c07

Change of Name Act, Revised Regulations of Ontario (1990, r.68). Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/statute/90c07

Charte des droits et libertés de la personne. Recueil des lois et des règlements du Québec (c. C-12). Retrieved from http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_12/C12.html

Cho, S., Crenshaw, K. W., & McCall, L. (2013). Toward a field of intersectionality studies: theory, applications, and praxis. *Signs: Journal of Women in Culture and Society*, *38*(4), 785–810. doi:10.1086/669608

Citizenship Act, Revised Statutes of Canada (1985, c. C-29). Retrieved from the Department of Justice Canada website: http://laws.justice.gc.ca/eng/acts/C-29/

Citizenship Regulations, Statutory Orders and Regulations (93-246). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/regulations/SOR-93-246/

Citizenship and Immigration Canada. (2009). *News Release – Canada imposes a visa on Mexico*. Retrieved from http://www.cic.gc.ca/english/department/media/releases/2009/2009-07-13.asp

Citizenship and Immigration Canada. (2012a). *Canada facts and figures: Immigration overview permanent and temporary residents 2012*. Retrieved from http://www.cic.gc.ca/english/pdf/research-stats/facts2012.pdf

Citizenship and Immigration Canada. (2012b). *Evaluation of CIC's Visitor Visa Program.* Retrieved from http://www.cic.gc.ca/english/pdf/pub/visitor-visa.pdf

Citizenship and Immigration Canada. (2012c). *Interim Federal Health Program: Summary of benefits*. Retrieved from http://www.cic.gc.ca/english/refugees/outside/summary-ifhp.asp

Citizenship and Immigration Canada. (2012d). *Interim Federal Health Program policy*. Retrieved from http://www.cic.gc.ca/english/department/laws-policy/ifhp.asp

Citizenship and immigration Canada. (2012e). Order establishing quantitative thresholds for the designation of countries of origin. *Canada Gazette Part 1*, *146*(50): 3378.

Citizenship and Immigration Canada. (2013a). *Backgrounder—Designated countries of origin.* Retrieved from http://www.cic.gc.ca/english/department/media/backgrounders/2012/2012-11-30.asp

Citizenship and immigration Canada. (2013b). Order amending the order designating countries of origin. *Canada Gazette Part 1*, *147*(8): 317–318.

Citizenship and Immigration Canada. (2014a). Interim Federal Health Program: Summary of benefits, Retrieved from http://www.cic.gc.ca/english/refugees/outside/summary-ifhp.asp.

Citizenship and Immigration Canada. (2014b). *Processing times: Grant of citizenship*. Retrieved from http://www.cic.gc.ca/english/information/times/canada/cit-processing.asp

Citizenship and Immigration Canada. (2015). Interim Federal Health Program: Summary of benefits. Retrieved from http://www.cic.gc.ca/english/refugees/outside/summary-ifhp.asp

City of Toronto. (2011). *City budget 2012: Shelter, Support and Housing operating budget analyst notes*. Retrieved from http://www.toronto.ca/budget2012/pdf/op12_an_ssha.pdf

City of Toronto. (2012). *City budget 2012: Shelter, Support and Housing Admin operating program summary*. Retrieved from http://www.toronto.ca/budget2013/2013_budget_summary/pdf/operating/op13_an_ssha.pdf

City of Toronto. (2013). *City budget 2013: Shelter, Support and Housing Admin operating program summary*. Retrieved from http://www.toronto.ca/budget2013/2013_budget_summary/pdf/operating/op13_an_ssha.pdf

City of Toronto. (2014). *Shelter, Support & Housing Administration*. Retrieved from http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=44efe03bb8d1e310VgnVCM10000071d60f89RCRD

City of Toronto. Shelter, Housing & Support. (n.d). *Toronto shelter standards*. Retrieved March 18th 2014 from http://www1.toronto.ca/city_of_toronto/shelter_support__housing_administration/files/pdf/shelter_standards.pdf

Code civil du Québec, Recueil des lois et des règlements du Québec (c C-1991, art 64). Retrieved from http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/CCQ_1991/CCQ1991.html

Cohen, M., March, J., & Olsen, J. (1972). A garbage can model of organizational choice. *Administrative Science Quarterly, 17*(1), 1–25.

Cole, L. (2008). *A history of co-operative housing in Canada*. Ottawa: Borealis Press.

Colvin, R. A. (2007). The rise of transgender-inclusive laws: How well are municipalities implementing supportive nondiscrimination public employment policies? *Review of Public Personnel Administration*, *27*(4), 336–360. doi:10.1177/1077800407301777

Commission des droits de la personne du Québec c Anglsberger. (1982).

Commission des droits de la personne et des droits de la jeunesse c Maison des jeunes. (1999).

Comité trans du Conseil québécois des gais et lesbiennes (CQGL). (2012). *Plan de revendications trans*. Submitted to the Québec Minster of Justice, May 4.

Commonwealth of Australia. (2013). *Australian Government Guidelines on the Recognition of Sex and Gender*. Retrieved from https://www.ag.gov.au/Publications/Documents/AustralianGovernmentGuidelinesontheRecognitionofSexandGender/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.PDF

Conseil québécois des gais et lesbiennes (CQGL). (2012, January 30). *Lettre au Ministre Lebel: Personnes transsexuelles et transgenres interdite de vol au Canada*. Retrieved from http://www.conseil-lgbt.ca/category/lettres/

Cotten, T. (Ed.). (2012). *Transgender migrations: The bodies, border, and politics of transition*. New York: Routledge.

Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A black feminist critique of discrimination doctrine, feminist theory and antiracist practice, *University of Chicago Legal Forum, 89*, 139–167.

Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color, *Stanford Law Review, 43*(6): 1241–1299.

Currah, P, Green, J., & Stryker, S. (2009). *The state of transgender rights in the United States of America*. San Francisco: National Sexuality Resource Center, San Francisco State University. Retrieved from http://nsrc.sfsu.edu/sites/default/files/Trans%20Rights%20in%20the%20USA_10APR08-Final_12-19-08-2.pdf

Currah, P. & Minter, S. (2000). Transgender equality: A handbook for activists and policymakers. Policy Institute National Gay and Lesbian Task Force National Center for Lesbian Rights Transgender Equality.

Currah, P., & Moore, L. J. (2009). "We won't know who you are": Contesting sex designations in New York City birth certificates. *Hypatia*: *Transgender Studies and Feminism: Theory, Politics, and Gendered Realities* [Special issue], *24*(3), 113–135.

Currah, P., & Mulqueen, T. (2011). Securitizing gender: Identity, biometrics, and transgender bodies at the airport. *Social Research*, *78*(2), 557–582.

Currah, P., & Spade, D. (2007). Introduction to special issue: The state we're in: Location of coercion and resistance in trans policy, Part 1. *Sexuality Research and Social Policy* [Special Issue], *4*(4), 1–6.

Cusset, F. (2005[2003]). *French Theory: Foucault, Derrida, Deleuze & Cie et les mutations de la vie intellectuelle aux États-Unis*. Paris: La Découverte / Poche.

Danziger, M. (1995). Policy analysis postmodernized: Some political and pedagogical ramifications, *Policy Studies Journal, 23*(3), 435–450.

Davis, K. (2008). Intersectionality as buzzword: A sociology of science perspective on what makes a feminist theory successful. *Feminist Theory*, *9*(1), 67–85. doi:10.1177/1464700108086364

Davy, Z. (2010). Transsexual agents: Negotiating authenticity and embodiment within the UK's medicolegal system. In S. Hines & T. Sanger (Eds.), Transgender identities: Towards a social analysis of gender diversity (pp.106–126). New York: Routledge.

de Grandpré, H. (2012, May 7). Vers un troisième sexe sur les passeports canadiens? La Presse, Retrieved from http://www.lapresse.ca

de Lauretis. T. (1991). Queer Theory: Lesbian and gay sexualities, An introduction. *differences: A Journal of Feminist Cultural Studies, 3*(2), iii–xviii.

de Leon, P. (1988). *Advice and consent: The development of the policy sciences*. New York: Russel Sage Foundation.

de Leon, P. (1999). The stages approach to the policy process: What has it done? Where is it going?. In. P. Sabatier (Ed.), *Theories of the policy process* (pp. 19–36). Boulder: Westview Press.

Dean, Elias. (2011) *Elias Dean challenge: About.* Retrieved from https://eliasdeanchallenge.wordpress.com/about/

Denis, A. (2008). Intersectional analysis: A contribution of feminism to sociology. *International Sociology, 23*(5), 677–694.

Denny, D. (1994). *Gender dysphoria: A guide to research*. New York: Garland Publishing, Inc.

Doern, B., (1996). The evolution of Canadian policy studies as art, craft and science. In L. Dobuzinski, M. Howlett, & D. Laycock (Eds.), *Policy studies in Canada: The state of the art* (pp. 15–26). University of Toronto Press.

Dubois, V. (2009). Towards a critical policy ethnography: Lessons from fieldwork on welfare control in France. *Critical Policy Studies*, *3*(2), 221–239. doi:10.1080/19460170903385684

Dubois, V. (2010). *La vie au guichet: Relation administrative et traitement de la misère*. Paris: Economica.

Dubois, V. (forthcoming 2016). Doing critical policy ethnography. In F. Fischer, D. Torgerson, A. Durnova, & M. Orsini (Eds.), *Handbook of critical policy studies*. Cheltenham-Northampton: Edward Elgar Publishing.

Durose, C. (2007). Beyond "street level bureaucrats": Re-interpreting the role of front line public sector workers. *Critical Policy Studies*, *1*(2), 217–234. doi:10.1080/19460171.2007.9518520

Durose, C. (2011). Revisiting Lipsky: Front-line work in UK local governance. *Political Studies*, *59*(4), 978–995. doi:10.1111/j.1467-9248.2011.00886.x

Dutton, D. (1999, February 5). Language crimes: A lesson in how not to write, courtesy of the professoriate. *The Wall Street Journal*. Republished on and retrieved from www.denisdutton.com.

Dryzek, J.S. (1993). Policy analysis and planning: From science to argument. In F. Fischer & J. Forester (Eds.), *The argumentative turn in policy analysis and planning* (pp. 213–232). Durham: Duke University Press.

Dye, T. (1972). *Understanding public policy*. Englewood cliffs: Prentice-Hall.

Edin, K, & Lein, L. (1997). *Making ends meet: How mothers survive welfare and low-wage work*. New York: Russell Sage Foundation.

Ekins, R. (1997). *Male femaling: A grounded theory approach to cross-dressing and sex-changing*. London: Routledge.

Elders, M. J., Brown, G. R., Coleman, E., Kolditz, T. A., & Steinman, A. M. (2015). Medical aspects of transgender military service. *Armed Forces & Society*, *41*(2), 199–220. doi:10.1177/0095327X14545625

Eliadis, P., Hill, M., & Howlett, M. (Eds.). (2005). *Designing government: From instruments to governance*. Montréal: McGill-Queen's University Press.

Elliot, P. (2001). Who gets to be a woman? Feminist politics and the question of trans inclusion. *Atlantis: A Women's Studies Journal*, *29*(1), 13–20.

Elliot, P. (2010). *Debates in transgender, queer, and feminist theory: Contested sites*. Farnham: Ashgate Publishing Limited.

Emmerson, R., Fretz, R., & Shaw, L. (2001). Participant observation and fieldnotes. In P. Atkinson, A. Coffey, S. Delamont, J. Lofland & L. Lofland (Eds.), *The handbook of ethnography* (pp. 352–368). Los Angeles: Sage.

Emmerson, R., Fretz R., & Shaw, L. (2011[1995]). *Writing ethnographic fieldnotes* (2nd ed.). Chicago University Press.

Employment Insurance Act, Statues of Canada (1996, c. 23). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/acts/e-5.6/

Employment Insurance Regulation, Statutory Orders and Regulations (96-332). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/regulations/sor-96-332/index.html

Esses, D. (2008-2009). Afraid to be myself, even at home: A transgender cause of action under the Fair Housing Act. *Columbia Journal of Law and Social Problems*, *42*, 465–509.

Etheridge, T. S. (2013-2014). Safety v. surgery: Sex reassignment surgery and the housing of transgender inmates. *Georgetown Journal of Gender and the Law*, *15*, 585–612.

Evans, T. (2010). *Professional discretion in welfare services beyond street level bureaucracy*. Burlington: Ashgate Publishing Company.

Evans, T., & Harris, J. (2004). Street-level bureaucracy, social work and the (exaggerated) death of discretion. *British Journal of Social Work*, *34*(6), 871–895. doi:10.1093/bjsw/bch106

Ezra, J. (2012) *Self-referred: A Québec trans health survival tool. Montréal*. Action santé travesti(e)s transsexuel(le)s du Québec (ASTTeQ).

Ezra, J. (2011). *Taking charge: A handbook for health care and social service providers working with trans people*. Montréal: Action santé travesti(e)s transsexuel(le)s du Québec (ASTTeQ).

Fairclough, N. (1992). *Discourse and social change.* Cambridge: Polity Press.

Fairclough, N. (2010[1995]). *Critical Discourse Analysis: The critical study of language* (2nd ed). Harlow: Pearson Education Limited.

Federal Task Force on Housing and Development. (1969). *Report of the Task Force on Housing and Development*. Ottawa: The Queen's Printer.

Federation of Canadian Municipalities. (2000). *Federal budget 2001: FCM, A national affordable housing strategy.* Retrieved from the Homelessness Hub website: http://www.homelesshub.ca/resource/federal-budget-2001-fcm-national-affordable-housing-strategy#sthash.QtweSbBr.pdf

Feinberg, L. (1992). *Transgender liberation: A movement whose time has come*. New York: World View Forum.

Feinberg, L. (1996). *Transgender warriors: Making history from Joan of Arc to Dennis Rodman.* Boston: Beacon Press.

findlay, b. (2003). Real women. Kimberly Nixon v. Vancouver Rape Relief. *UBC Law Review, 36*(1), 57–76.

Fischer, F. (1993). Policy discourse and think tanks. In. F. Fischer & J. Forester (Eds.), *The argumentative turn in policy analysis and planning* (pp. 21–42). Durham: Duke University Press.

Fischer, F. (2003a). Beyond empiricism: Policy analysis as deliberative. In M. Hajer & H. Wagenaar (Eds.), *Deliberative policy analysis: Understanding governance in the network society* (pp. 209–227). Cambridge University Press.

Fischer, F. (2003b). *Reframing public policy: Discursive politics and deliberative practices*. Oxford: Oxford University Press.

Fischer, F. (2007). Policy analysis in critical perspective: The epistemics of discursive practices. *Critical Policy Studies*, *1*(1), 97–109. doi:10.1080/19460171.2007.9518510

Fischer, F., & Gottweis, H. (Eds.). (2012). *The argumentative turn revisited: Public policy as communicative practice*. Durham: Duke University Press.

Fischer F., & Forester, J. (1993). Editors' Introduction. In F. Fischer & J. Forester (Eds.), *The argumentative turn in policy analysis and planning* (pp. 1–17). Durham: Duke University Press.

Flynn, T. (2006). The ties that don't bind: Transgender family law and the unmaking of families. In P. Currah, R. Juang, & S. P. Minter (Eds.), *Transgender rights* (pp. 32–50). Minneapolis: University of Minnesota Press.

Foerster, M. (2006). *Histoire des transsexuels en France*. France: Béziers.

Forester, J. (1980). Critical theory and planning practice. *Journal of the American Planning Association*, *46*(3), 275–286.

Forester, J. (1984). Bounded rationality and the politics of muddling through. *Public Administration Review, 44*(1), 23–31.

Freidenberg, J. (1995). Policy ethnography in East Harlem. *Annals of the New York Academy of Sciences*, *749*(1), 119–136.

Garfinkel, H. (1967). *Studies in ethnomethodology.* Englewood Cliffs: Prentice-Hall Inc.

Gazibo, M., & Jenson, J. (2004) *La politique comparée: Fondements, enjeux et approches théoriques*. Les Presses de l'Université de Montréal.

Gehi, P., & Arkles, G. (2007). Unraveling injustice: Race and class impact of Medicaid exclusions of transition-related health care for transgender people. *Sexuality Research and Social Policy* [Special issue], *4*(4), 7–35.

Gerson, J. (2012, February 1). New rules may ground transgendered people, *Calgary Herald*, pp. B4.

Giami, A., & Le Bail, J. (2011). HIV infection and STI in the trans population: A critical review. *Revue d'Épidémiologie et de Santé Publique, 59*, 259–268.

Gilbert, L. (2013). Canada's visa requirement for Mexicans and its political rationalities. *Norteamérica*, *8*(1), 139–161.

Girshick, L. (2008). *Transgender voices: Beyond women and men*. Hanover: University Press of New England.

Goffman, E. (1986[1974]). *Frame analysis: An essay on the organization of experience*. Boston: University Press of New England.

Goodmark, L. (2013). Transgender people, intimate partner abuse, and the legal system. *Harvard Civil Rights-Civil Liberties Law Review*, *48*, 51–104.

Gorton, R. N. (2007). Transgender health benefits: Collateral damage in the resolution of the national health care financing dilemma. *Sexuality Research and Social Policy* [Special Issue], *4*(4), 81–91.

Gottschalk, L. H. (2009). Transgendering women's space: A feminist analysis of perspectives from Australian women's services. *Women's Studies International Forum*, *32*(3), 167–178. doi:10.1016/j.wsif.2009.05.001

Government of Canada. (2014). Archived - Canada's fast and fair asylum system - One year later, backgrounder. Retrieved from http://news.gc.ca/web/article-en.do?nid=831909

Grace, D. (2012). Reconceiving the 'problem' in HIV prevention: HIV testing technologies and the criminalization of HIV non-disclosure. In O. Hankinvsky (Ed.), *An intersectionality-based policy analysis framework* (pp. 161–188). Vancouver: Institute for Intersectionality Research and Policy, Simon Fraser University.

Graham, L. F. (2014). Navigating community institutions: Black transgender women's experiences in schools, the criminal justice system, and churches. *Sexuality Research and Social Policy*, *11*(4), 274–287. doi:10.1007/s13178-014-0144-y

Groupe de travail sur l'habitation. (1975). *Annexe 16: Impact des programmes de la Société centrale d'hypothèque et de logement au Québec*. Étude effectuée pour le compte du Groupe de travail sur l'habitation par le Laboratoire de recherches Immobilières, Université du Québec à Montréal. Québec: Gouvernement du Québec.

Groupe de travail sur l'habitation. (1976). *Habiter au Québec.* Gouvernement du Québec.

Hajer, M. (1993). Discourse coalitions and the institutionalization of practice: The case of acid rain in Great Britain. In. F. Fischer & J. Forester (Eds.), *The argumentative turn in policy analysis and planning* (pp. 77–100). Durham: Duke University Press.

Hajer, M. (2003). A frame in the fields: Policymaking and the reinvention of politics. In. M. Hajer & H. Wagenaar (Eds.), *Deliberative policy analysis: Understanding governance in the network society* (pp. 88–110). Cambridge: Cambridge University Press.

Hajer, M., & Wagenaar, H. (2003). Introduction. In. M. Hajer & H. Wagenaar (Eds.). *Deliberative policy analysis: Understanding governance in the network society* (pp. 1–30). Cambridge: Cambridge University Press.

Halberstam, J. (1998). *Female masculinity.* Durham: Duke University Press.

Hall, D., & Jagose, A. (2013). "Introduction." In. D. Hall & A. Jagose (Eds.), *The Routledge queer studies reader* (pp. XIV–XX). London: Routledge.

Harris, J. (2006). Competing claims from disadvantaged groups: Nixon v. Vancouver Rape Relief Society. In K. Scott-Dixon (Ed.), *Trans/forming feminisms: Trans-feminist voices speak out* (pp. 170–181). Toronto: Sumach Press.

Haraway, D. (1988). Situated knowledge: The science question in feminism and the privilege of partial perspective. *Feminist Studies*, *14*(3), 575–599.

Harding, S. (1993). Rethinking standpoint epistemology: What is "strong objectivity"? In. L. Alcoff & E. Potter (Eds.), *Feminist epistemologies* (pp. 49–82). New York: Routledge.

Harding, S. (ed.) (1988). *Feminism and methodology: Social science issues*. Indiana University Press.

Hartsock, N. (1983). The feminist standpoint: Developing the ground for a specifically feminist historical materialism. In S. Harding & M. Hintikka (Eds.), *Discovering reality* (pp. 283–310). New York: Kluwer Academic Publisher.

Hausman, B. (1995). *Changing sex: Transsexualism, technology and the idea of gender*. Durham: Duke University Press.

Hawkesworth, M. (1989). Knowers, knowing, known: Feminist theory and claims of truth. *Signs: Journal of Women in Culture and Society*, *14*(3), 533–557.

Hayes, C. (2003). Feminist solidarity after queer theory: The case of transgender. *Signs: Journal of Women in Culture and Society, 28*(4), 1093–1120.

Hemmings, C. (2011). *Why stories matter: The political grammar of feminist theory*. Durham: Duke University Press.

Herbst, J., Jacobs, E., Finlayson, T., McKleroy, V., Neumann M., & Crepaz, N. (2008). Estimating HIV prevalence and risk behaviors of transgender persons in the United States: A systematic review. *AIDS Behaviour, 12*(1), 1–17. doi:10.1007/s10461-007-9299-3

Hines, S. (2007). *Transforming gender: Transgender practices of identity, intimacy and care*. Cambridge: Policy Press.

Hines, S. (2009). A pathway to diversity?: human rights, citizenship and the politics of transgender. *Contemporary Politics, 15*(1), 87–102. doi:10.1080/13569770802674238

Hird, M. (2013). Animal trans. In S. Stryker & A. Aizura (Eds.), *The transgender studies reader 2* (pp. 156–1167). New York: Routledge.

Hirschfeld, M. (2006[1910]). Selections from The transvestites: The erotic drive to cross-dress. In S. Stryker, & S. Whittle (Eds.), *The transgender studies reader* (pp. 28–39). New York: Routledge.

Hobbs, M., & Rice, C. (Eds.). (2013). *Gender and women's studies in Canada: Critical terrain*. Toronto: Women's Press.

Hogan v. Ontario (Health and Long-Term Care), 32 Human Rights Tribunal of Ontario. (2006). Retrieved from the Canadian Legal Information Institute website: www.canlii.org/en/on/onhrt/doc/2006/2006hrto32/2006hrto32.pdf

Holstein, J. A., & Gubrium, J. F. (1995). *The Active Interview*. Thousand Oaks: Sage Publications, Inc.

Housing Development Act, Revised Statutes of Ontario (1990, c. H.18), Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/statute/90h18

Howell, A. W. (2009–2010). Comparison of the treatment of transgender persons in the criminal justice systems of Ontario, Canada, New York, and California, *Boston University Public Interest Law Journal*, *28*, 133 –210.

Human Rights Act, Revised Statutes of Canada (1985, c. H-6*).* Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/acts/H-6/

Hupe, P., & Hill, M. (2007). Street-level bureaucracy and public accountability. *Public Administration*, *85*(2), 279–299.

Identity Screening Regulations, Statutory Orders and Regulations (2007-82). (Repealed, SOR/2015-182, s. 2). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/regulations/SOR-2007-82/

Immigration and Refugee Protection Act, Statues of Canada (2001, c. 27). Retrieved from the Department of Justice Canada website: http://laws.justice.gc.ca/eng/acts/i-2.5/

Immigration and Refugee Protection Regulations, Statutory Orders and Regulations (2002-227). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/

Immigration and Refugee Board of Canada. (2014). *Legal references. Chapter 5: Well founded-fear*. Retrieved from http://www.irb-cisr.gc.ca/Eng/BoaCom/references/LegJur/Pages/RefDef05.aspx#n53

Innes, J, & Booher, D. (2003). Collaborative policymaking: governance through dialogue. In. M. Hajer & H. Wagenaar (Eds.), *Deliberative policy analysis: Understanding governance in the network society* (pp. 33–59). Cambridge: Cambridge University Press.

Irving, D. (2013). Against the grain: Teaching transgender human rights. *Sexualities*, *16*(3/4), 319–335. doi:10.1177/1363460713479746

Jenkins, W. (1978). *Policy analysis: A political and organizational perspective*. London: Martin Robertson.

Jorgersen, D. (1989). The methodology of participant observation. In *Participant observation: Methodology for the human sciences* (pp.12–25). London: Sage.

Jourde, C. (2009). The ethnographic sensibility: Overlooked authoritarian dynamics and Islamic ambivalences in West Africa. In E. Schatz (Ed.), *Politcal Ethnography: What immersion contributes to the study of power* (pp. 201–216). The University of Chicago Press.

Kaplan, T. J. (1993). Reading policy narrative: Beginnings, middles, and ends. In F. Fischer & J. Forester (Eds.), *The argumentative turn in policy analysis and planning* (pp. 167–185). Durham: Duke University Press.

Keiser, L. R. (2001). Street-level bureaucrats, administrative power and the manipulation of federal social security disability programs. *State Politics & Policy Quarterly*, *1*(2), 144–164.

Kirby, V. (2004). *Judith Butler: Live theory*. London: Continuum International Publishing Group.

Kirby, S. L., Greaves, L. & Reid, C. (2006). *Experience research social change: Methods beyond the mainstream* (2nd ed.). Peterborough: Broadview press.

Kirkup, K. (2009). Indocile bodies: Gender identity and strip searches in Canadian criminal law. *Canadian Journal of Law and Society, 24*(1), 107–125.

Klein, J. T. (1990). *Interdisciplinary: History, theory, and practice*. Detroit: Wayne State University Press.

Kouri, R. (1975). *Certain legal aspects of modern medicine: Sex reassignment and sterilization*. Doctoral Thesis, Montreal: Institute of Comparative Law, McGill University.

Kulick, D. (1998). *Travesti: Sex, gender and culture among Brazilian transgendered prostitutes*. The University of Chicago Press.

La Maison Marguerite & David, F. (2014). *Cri d'alarme: La Maison Marguerite de Montréal devra fermer le tiers de ses lits sous peu. Françoise David presse le gouvernement d'agir*. Retrieved from La Maison Marguerite's website: http://maisonmarguerite.com/wp-content/uploads/2014/05/20140526-Communiqu%C3%A9-Maison-Marguerite1.pdf

Labman, S. 2011. Queue the rhetoric. Refugees, resettlement and reform. *University of New Brunswick Law Journal*, *62*: 55–63.

Lamble, S. (2008). Retelling racialized violence, remaking innocence: The politics of interlocking oppression in Transgender Day of Remembrance. *Sexuality Research and Social Policy, 5*(1), 24–42.

Landry, R., Amara, N., & Lamari, M. (2001). Utilization of social science research knowledge in Canada. *Research Policy*, *30*(2), 333–349.

Latour, B. (2005). *Reassembling the social: An introduction to actor-network-theory*. Oxford University Press.

Lasswell, H. D. (1951). The policy orientation. In. D. Lerner & H. D. Lasswell (Eds.), *The policy sciences: Recent developments in scope and methods* (pp. 3–15). Stanford University Press.

Layton, J. (2008[2000]). *Homelessness: How to end the national crisis*. Toronto: Penguin Canada.

Leavy, P. (2011). *Essentials of transdisciplinary research: Using problem-centered methodologies*. Walnut Creek Left Coast Press.

Legal Services. Immigration and Refugee Board. (2002). *Consolidated grounds in the immigration and refugee protection act*. Retrieved from http://www.irb-cisr.gc.ca/Eng/BoaCom/references/LegJur/Documents/ProtectLifVie_e.pdf

Legislative Assembly of Ontario. Standing Committee on Social Policy. (2012). Toby's Act. Official Report of Debates, SP-12. Retrieved from www.ontla.on.ca/committee-proceedings/...pdf/11-JUN-2012_SP012.pdf

Levi, J. & Klein, B. H. (2006). Pursuing protection for transgender people through disability laws. In P. Currah, R. Juang, & S. P. Minter (Eds.), *Transgender rights* (pp. 74–92). Minneapolis: University of Minnesota Press.

Lévi-Strauss, C. (2002[1947]). *Les structures élémentaires des la parenté*. Berlin: Mouton de Gruyter.

Lewis, V., & Namaste, V. (2011). Critical research and activisms on trans issues in Latin America: An interview with Vek Lewis. In V. Namaste. *Sex change social change: Reflections on identities, institutions, and imperialism* (2nd ed.) (pp. 181–203). Toronto: Women's Press.

Lijphart, A. (1971). Comparative politics and the comparative method. *The American Political Science Review*, *65*(3), 682. doi:10.2307/1955513

Lima, M. (2011). *Visual complexity: Mapping patterns of information*. New York: Princeton Architectural Press.

Lindbloom, C., & Cohen, D. (1979). *Usable knowledge: Social science and social problem solving.* New Haven: Yale University Press.

Lipsky, M. (1983). *Street-level bureaucracy*. New York: Russell Sage Foundation.

Lloyd, M. (2007). *Judith Butler: From norms to politics*. Polity Press.

Loi modifiant le Code civil en matière d'état civil, de successions et de publicité des droits, Lois du Québec (2013, c. 27.). Retrieved from http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2013C27A.PDF

Loi sur l'aide aux personnes et aux familles, Recueil des lois et des règlements du Québec (c. A-13.1.1). Retrieved from http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/A_13_1_1/A13_1_1.html

Loi sur la Société d'habitation du Québec, Recueil des lois et des règlements du Québec (c. S-8). Retrieved from http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/S_8/S8.html

Loi sur le changement de nom et d'autres qualités de l'état civil, Recueil des lois et des règlements du Québec (c. C-10). Retrieved from http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_10/C10.html

Loi sur le régime de rentes du Québec, Recueil des lois et des règlements du Québec (c. R-9). Retrieved from http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/R_9/R9.html

Loi visant à lutter contre la pauvreté et l'exclusion sociale, Recueil des lois et des règlements du Québec (c. L-7). Retrieved from http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/L_7/L7.html

Lorde, A. (1984). Age, race, class, and sex: Women redefining difference. In. *Sister outsider* (pp. 114–123). Crossing Press Berkeley.

Lyon, D. (2006). Airport screening, surveillance, and social sorting: Canadian responses to 9/11 in context. *Canadian Journal of Criminology and Criminal Justice*, *48*(3): 397–411.

Machiavelli, N. (1981[1513]). *The prince.* trans. D. Donno. New York: Bantam Books.

Majone, G. (1989). *Evidence, argument, and persuasion in the policy process*. New haven: Yale University Press.

Mandlis, L., & Namaste, V. (2011). "Formal equality can actually be seen to function as a barrier to substantive equality": An interview with Lane Mandlis. In V. Namaste, *Sex change social change: Reflections on identities, institutions, and imperialism* (2nd ed.) (pp. 169–179). Toronto: Women's Press.

Mann, R. (2006). The treatment of transgender prisoners, not just an American problem - A comparative analysis of American, Australian, and Canadian prison policies concerning the treatment of transgender prisoners and a universal recommendation to improve treatment. *Law & Sexuality: A Review of Lesbian, Gay, Bisexual, and Transgender Legal Issues, 15*(91), 91–134.

Marston, G. (2004). *Social Policy and Discourse Analysis.* Aldershot: Ashgate Publishing, Ltd.

Maruri, S. (2011). Hormone therapy for inmates: A metonym for transgender rights. *Cornell Journal of Law and Public Policy, 20*(3), 807–832.

McCall, L. (2005). The complexity of intersectionality, *Signs: Journal of Women in Culture and Society, 30*(3), 1771–1800.

McCreath, J. (2012, January 29). Jan 28, 2012 Canadian government BANS transgendered from Flying! [Web log post]. Retrieved from http://jennifermccreath.blogspot.ca/2012/01/jan-28-2012-canadian-government-bans.html

McDonald, C., & Marston, G. (2005). Workfare as welfare: governing unemployment in the advanced liberal state. *Critical Social Policy*, *25*(3), 374–401. doi:10.1177/0261018305054077

McGill, J., & Kirkup, K. (2013). Locating the trans legal subject in Canadian law: XY v Ontario. *Windsor Review of Legal and Social Issues, 33*, 96–140.

Mckenna S. J., & Kessler, W. (1978). *Gender: An ethnomethodological approach*. University of Chicago Press.

Melendez, R. M., Bonem, L. A., & Sember, R. (2006). On bodies and research: Transgender issues in health and HIV research articles. *Sexuality Research & Social Policy*, *3*(4), 21–38.

Milloy, C. (2012, January 31). Transgender people are completely banned from boarding airplanes in Canada. [Web log post]. Retrieved from http://chrismilloy.ca/2012/01/transgender-people-are-completely-banned-from-boarding-airplanes-in-canada/

Ministère du Travail, de l'Emploi et de la Solidarité sociale. (2014a). *Manuel d'interprétation normative des programmes d'aide financière.* Retrieved from *http://www.mess.gouv.qc.ca/regles-normatives/index.html*

Ministère du Travail, de l'Emploi et de la Solidarité sociale. (2014b). *Manuel d'interprétation normative des mesures et des services d'emploi.* Retrieved from http://emploiquebec.gouv.qc.ca/guide-mesures-services/

Ministry of Community and Social Services. (2014). *Social assistance policy directives.* Retrieved from http://www.mcss.gov.on.ca/en/mcss/programs/social/directives/

Ministry of Health and Long-Term Care. (2008, June 20). Bulletin 4480, Subject: Relisting of Sex Reassignment Surgery under OHIP. Retrieved from http://www.health.gov.on.ca/en/requests/dsd.aspx

Morgen, S., & Maskovsky, J. (2003). The anthropology of welfare "reform": New perspectives on U.S. urban poverty in the post-welfare era. *Annual Review of Anthropology*, *32*, 315–338.

Morgen, S. (2001). The agency of welfare workers: Negotiating devolution, privatization, and the meaning of self-sufficiency. *American Anthropologist*, *103*(3), 747–761.

Mottet, L., & Ohle, J. (2006). Transitioning our shelters: Making homeless shelters safe for transgender people. *Journal of Poverty*, *10*(2), 77–101. doi:10.1300/J134v10n02_05

Municipal Act. Statutes of Ontario (2001, c. 25). Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/statute/01m25

Namaste, V. (1998). *Évaluation des besoins: Les travesti(e)s et les transsexuel(le)s au Québec à l'égard du VIH/Sida*. Montréal: Cactus.

Namaste, V. (2000) *Invisible lives: The erasure of transsexual and transgendered people*. University of Chicago Press.

Namaste, V. (2005). *C'était du spectacle ! L'histoire des artistes transsexuelles à Montréal, 1955–1985*. Montréal: McGill-Queen's University Press.

Namaste, V. (2009). Undoing theory: The transgender question and the epistemic violence of Anglo-American feminist theory. *Hypatia: Transgender Studies and Feminism: Theory, Politics, and Gendered Realities* [Special issue], *24*(3), 11–32.

Namaste, V. (2011[2005]). *Sex change social change: Reflections on identities, institutions, and imperialism* (2nd ed.). Toronto: Women's Press.

Namaste, V. & Sitara, G. (2011[2005]). Inclusive pedagogy in the women studies classroom: Teaching the Kimberly Nixon case. In V. Namaste. *Sex change social change: Reflections on identities, institutions, and imperialism* (2nd ed.) (pp. 75–102). Toronto: Women's Press.

Namaste, V. (2014, April). Expert brief submitted to Maitre Annick Legault.

National Housing Act, Revised Statutes of Canada (1985, c. N-11). Retrieved from the Department of Justice Canada website: http://laws.justice.gc.ca/eng/acts/N-11/page-1.html

Newman, K. S. (2001). Hard times on 125th Street: Harlem's poor confront welfare reform. *American Anthropologist*, *103*(3), 762–778.

Newman, K. S. (1999). *No shame in my game: The working poor in the inner city*. New York: Knopf and the Russell Sage Foundation.

Newton, E. (1972). *Mother camp: Female impersonators in America*. Englewood Cliffs: Prentice-Hall.

Neysmith, S., Bezanson, K., & O'Connell, A. (2005). *Telling tales: Living the effects of public policy*. Halifax: Fernwood Publishing.

Nussbaum, M. (1999, February 22). The hip defeatism of theory: The professor of parody. *The New Republic*, 37–45.

Office municipal d'habitation de Montréal (OMHM). (2011). *Miser sur nos ressources: Rapport annuel 2011*. Retrieved from http://www.omhm.qc.ca/autres-publications/rapport-annuel-omhm-2011.

Office municipal d'habitation de Montréal (OMHM). (2014). *Rapport annuel 2011*. Retrieved from http://www.omhm.qc.ca/sites/omhm.demo.savoirfairelinux.com/files/RapportAnnuel_OMHM2011_VF_2.pdf

O'Hartigan, M. D. (1997). *'Transgender' as Borg*. Portland Oregon.

Okongwu, A. F., & Mencher, J. P. (2000). The anthropology of public policy: Shifting terrains. *Annual Review of Anthropology*, *29*, 107–124.

Okros, A., & Scott, D. (2015). Gender identity in the Canadian Forces: A review of possible impacts on operational effectiveness. *Armed Forces & Society*, *41*(2), 243–256. doi: 10.1177/0095327X14535371

Olsen, G. A., & Worsham, L. (2004[2000]). Changing the Subject: Judith Butler's Politics of Radical Resignification. In S. Salih & J. Butler (Eds.). *The Judith Butler Reader* (pp. 325–356). Malden: Blackwell Publishing.

* Ontario. Ministry of finance. (1996). Financial tables and graphs. In *Ontario budget 1996* (pp. 63-78). Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/1996/

* Ontario. Ministry of finance. (1997). *1997 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/1997/bud-pa_e.pdf

* Ontario. Ministry of finance. (1998). *1998 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/1998/98papere.pdf

* Ontario. Ministry of finance. (1999). *1999 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/1999/99papere.pdf

* Ontario. Ministry of finance. (2000). *2000 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2000/00papere.pdf

* Ontario. Ministry of finance. (2001). *2001 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2001/edoc_comp.pdf

* Ontario. Ministry of finance. (2002). *2002 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2002/english_complete.pdf

* Ontario. Ministry of finance. (2003). *2003 Ontario Budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2003/pdf/papers_all.pdf

* Ontario. Ministry of finance. (2004). *2004 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2004/pdf/papers_all.pdf

Ontario. Ministry of finance. (2005). *2005 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2005/pdf/papers_all.pdf

* Ontario. Ministry of finance. (2009). *2009 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2009/papers_all.pdf

Ontario. Ministry of finance. (2010). *2010 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2010/papers_all.pdf

* Ontario. Ministry of finance. (2011). *2011 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2011/papers_all.pdf

* Ontario. Ministry of finance. (2012). *2012 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2012/papers_all.pdf

* Ontario. Ministry of finance. (2013). *2013 Ontario budget*. Queen's Printer for Ontario. Retrieved from http://www.fin.gov.on.ca/en/budget/ontariobudgets/2013/papers_all.pdf

Ontario. Ministry of Health and Long-Term Care. (2016). Sex Reassignment Surgery. Retrived from: http://www.health.gov.on.ca/en/pro/programs/srs/

Ontario. Ministry of Health and Long-Term Care. (2013a). Backgrounder: Ontario temporary health program. Retrieved from http://news.ontario.ca/mohltc/en/2013/12/ontario-temporary-health-program.html

Ontario. Ministry of Health and Long-Term Care. (2013b) *News release reinstating access to health care for refugee claimants: Ontario filling federal funding gap with temporary health program*. Retrieved from http://news.ontario.ca/mohltc/en/2013/12/reinstating-access-to-health-care-for-refugee-claimants.html

Ontario Disability Support Program Act, Statutes of Ontario (1997, c. 25 Schedule B). Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/statute/97o25b

Ontario Human Rights Code, *Revised Statutes of Ontario* (1990, c. H.19). Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/statute/90h19

Ontario Human Rights Commission. (1999) *Toward a Commission policy on gender identity discussion paper*. Retrieved from http://www.ohrc.on.ca/sites/default/files/attachments /Discussion_paper%3A_Toward_a_commission_policy_on_gender_identity.pdf

Ontario Human Rights Commission. (2000). *Policy on discrimination and harassment because of gender identity*. Retrieved from http://www.ohrc.on.ca/en/policy-discrimination-and-harassment-because-sexual-orientation

Ontario Non-Profit Housing Association. (2013). *Waiting list survey 2013*. Retrieved from https://www.onpha.on.ca/onpha_test/Content/PolicyAndResearch/Waiting_lists_reports/ Waiting_Lists_2013.aspx

Ontario Works Act, Statutes of Ontario (1997, c. 25, Schedule A). Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/statute/97o25a

Order respecting the Interim Federal Health Program, Statutory Instruments (2012-26). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/regulations/SI-2012-26/FullText.html

Orsini, M., & Scala, F. (2006).“Every virus tells a story”: Toward a narrative-centred approach to health policy. *Policy and Society*, *25*(2), 109–130.

Orsini, M., & Smith, M. (2007). Critical policy studies. In. M. Orsini & M. Smith (Eds.), *Critical policy studies* (pp. 1–16). Vancouver: The University of British Columbia Press.

Pader, E. (2006). Seeing with an ethnographic sensibility. In D. Yanow & P. Schwartz-Shea (Eds.), *Interpretation and method: Empirical research methods and the interpretive turn* (pp. 161–175). Armonk: M.E. Sharpe.

Page, M. (n.d). *Brazen: Trans women safer sex guide.* The 519 Church Street Community Centre.

Pal, L. (1992). *Public policy analysis: An introduction*. Scarborough: Nelson Canada.

Parco, J. E., Levy, D. A., & Spears, S. R. (2015). Transgender military personnel in the post-DADT repeal era: A phenomenological study. *Armed Forces & Society*, *41*(2), 221–242. doi:10.1177/0095327X14530112

Peters, G. (2005). The problem of policy problems. *Journal of Comparative Policy Analysis, 7*(4): 349–370. doi:10.1080/13876980500319204

Peterson, M., Stephans, J., Dickey, R., and Lewis, W. (1996). Transsexuals within the prison system: An international survey of correctional services. *Behavioral Science and the Law*, *4*, 219–229.

Peterson, S. (1988). Stay tuned to your programs: Explaining older Americans' program encounters. *Journal of Aging Studies*, *2*(2), 183–197.

Phidd, R. (1996). Public administration and the study of public policy making in Canada. In L. Dobuzinskis, M. Howlett, & D. Laycock (Eds.), *Policy studies in Canada: The state of the art* (pp. 27–32). University of Toronto Press.

Platero, R. (2011). The narratives of transgender rights movement in Spain. *Sexualities*, *14*(5), 597–614.

Plato. (1974[*circa*.375 B.C.]). *The Republic.* trans. D. Lee, (2nd ed.). Middlesex: Penguin Books.

Polanyi, M. (1974[1958]). *Personal knowledge: Towards a post-critical philosophy*. University of Chicago Press.

PolitiQ. (2009). Charte et revendications de PolitiQ-queers solidaires Axe transidentités, Retrieved from The Warning Website: http://thewarning.info/IMG/pdf/ManifesteTrans.pdf

PolitiQ. 2010. *Down with Sterile Civil Status Rules*, Flyer on file with author.

Pratt, A., & Thompson, S. K. (2008). Chivalry, "race" and discretion at the Canadian border. *British Journal of Criminology*, *48*(5), 620–640. doi:10.1093/bjc/azn048

Prieur, A. (1998). *Mema's house: On transvestites, queens and machos*. University of Chicago Press.

Prosser, J. (1998). *Second skins: The body narratives of transsexuality*. New York: Columbia University Press.

Protecting Canada's Immigration System Act, Statutes of Canada (2012, c. 17). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/annualstatutes/2012_17/page-1.html

Public Service Commission of Canada. (2008). *The 100 years of the public service commission of Canada 1908-2008*. Ottawa: Her Majesty the Queen in Right of Canada.

Québec. (1995). *Décentralisation: Un choix de société*. Ministère du conseil exécutif, Gouvernement du Québec.

Queer Ontario. (2014, November 14). Queer Ontario Participates in ServiceOntario's Consultation regarding a Minor's Ability to Change the Sex Designation on their Ontario Birth Registration. Retrieved from http://queerontario.org/serviceontario-2/

Raj, A. (2012, January 31). Canada identity screening regulations: Transgendered community effectively banned from flying. *The Huffington Post.* Retrieved from *http://www.huffingtonpost.ca*

Raymond, J. G. (1979). *The transsexual empire: The making of the she-male*. New York: Teachers College Press.

Régie de l'assurance maladie du Québec. (2012, August 12). *Info lettre 111: Nouvelle clientèle couverte en assurance maladie – Mesures transitoires*. Retrieved from http://www.ramq.gouv.qc.ca/SiteCollectionDocuments/professionnels/infolettres/2012/info111-2.pdf

Règlement intérieur de la Régie des rentes du Quebec (2011). Retrieved from the Régie des rentes du Québec website: http://www.rrq.gouv.qc.ca/fr/services/publications/regime_rentes/loi_reglements/Pages/Rgl_int.aspx

Règlement sur l'aide aux personnes et aux familles, Recueil des lois et des règlements du Québec (c.A-13.1.1, r. 1). Retrieved from http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/A_13_1_1/A13_1_1R1.HTM

Rein M., & Schön, D. A. (1977). Problem setting in policy research. In C. Weiss. (Ed.), *Using research in public policy making* (pp. 235–251). Lexington Books.

Rein M., & Schön, D.A. (1993). Reframing policy discourse. In. F. Fischer & J. Forester (Eds.), *The argumentative turn in policy analysis and planning* (pp. 145–166). Durham: Duke University Press.

Riccucci, N. M. (2005). Street-level bureaucrats and intrastate variation in the implementation of temporary assistance for needy families policies. *Journal of Public Administration Research and Theory*, *15*(1), 89–111. doi:10.1093/jopart/mui005

Robson, R. (2006). Reinscribing normality? The laws and politics of transgender marriage. In P. Currah, R. Juang, & S. P. Minter. (Eds.), *Transgender rights* (pp. 299–309). Minneapolis: University of Minnesota Press.

Rochefort, D. & Cobb, R. (1993). Problem definition, agenda, and policy choice. *Policy Studies Journal, 21*(1), 56–71.

Rose, A. (1980). *Canadian housing policies (1935-1980)*. Scarborough: Butterworth and Company (Canada) Limited.

Ross, L. E., Epstein, R., Goldfinger, C., & Yager, C. (2009). Policy and practice regarding adoption by sexual and gender minority people in Ontario. *Canadian Public Policy*, *35*(4), 451–467.

Ross, M-S. & Namaste. V. (2011[2005]). "Activists can't go on forever acting in the abstract." An interview with Mirha-Soleil Ross. In. V. Namaste. *Sex change social change: Reflections on identities, institutions, and imperialism* (2nd ed.) (pp. 117–137), Toronto: Women's Press.

Rousseau, J. J. (2001[1762]). *Du contrat social*. Paris: GF Flammarion.

Rubin, H. (2003). *Self-made men: Identity and embodiment among transsexual men*. Nashville: Vanderbilt University Press.

Rundall, E., & Vacchietti, A. (2010). (In)visibility in the workplace: The experience of trans employees in the UK. In S. Hines & T. Sanger (Eds.), Transgender identities: Towards a social analysis of gender diversity (pp.127–150). New York: Routledge.

Sabatier, P. (1978). The acquisition and utilization of technical information by administrative agencies. *Administrative Science Quarterly*, *23*, 396–417.

Sabatier, P. (2007). The need for better theories. In P. Sabatier (Ed.), *Theories of the policy process* (2nd ed.) (pp. 3–17). Westview Press.

Sabatier, P., & Mazmanian, D.D. (1980). The Implementation of Public Policy: A Framework of Analysis*, Policy Studies Journal* [Special issue], *8*(4.2), 538–560.

Saint-Martin, D. (2007). From welfare state to the social investment state: A new paradigm for Canadian social policy?. In. M. Orsini & M. Smith (Eds.), *Critical policy studies* (pp. 279–298). Vancouver: The University of British Columbia Press.

Sajnani, R. (2014). *Envisioning LGBT Refugee Rights in Canada: The Impact of Canada's New Immigration Regime*. Envisioning Global LGBT Human Rights, Centre for Feminist Research, York University. Retrieved from http://envisioninglgbt.blogspot.ca/p/ publicationsresources.html

Salas, D. (1994). *Sujet de chair et sujet de droit : la justice face au transsexualisme*. Paris: Presses universitaires de France.

Sauvé, J. S. (2015). L'interdiction de discriminer les personnes trans* dans la Charte des droits et libertés de la personne (Charte québécoise): pour son amélioration par l'ajout de l'"identité de genre" et de l'"expression de genre" à la liste des motifs de distinction illicites. *Enfances Familles Générations*, *23*, 108–126.

Savoie, D. J. (2004). Searching for accountability in a government without boundaries. *Canadian Public Administration, 47*(1), 1–22.

Sayer, A. (1992[1984]). *Method in social science: A realist approach*. New York: Routledge.

Schatz, E. (2009). Ethnographic immersion and the study of politcs. In E. Schatz (Ed.) *Politcal Ethnography: What immersion contributes to the study of power* (pp. 1–22). The University of Chicago Press.

Scott, A. V. & R. Lines. (1999). *HIV/Aids in the male-to-female transsexual and transgendered prison population: A comprehensive strategy*. Prisoners' HIV/AIDS Support Action Network (PASAN).

Scott, J. W. (1986). Gender: A useful category of historical analysis. *The American Historical Review*, *91*(5), 1053–1075. doi:10.2307/1864376

Schilt, K. (2010). *Just one of the guys? Transgender men and the persistence of gender inequality*. The University of Chicago Press.

Schön, D. A., & Rein, M. (1994). *Frame reflection: Towards the resolution of intractable policy controversies*. New York: Basic Books.

Secure Air Travel Regulations, Statutory Orders and Regulations (2015-181). Retrieved from the Department of Justice Canada website: http://laws-lois.justice.gc.ca/eng/regulations/SOR-2015-181/FullText.html

Sedgwick, K. (1993). Queer performativity: Henry James's The art of the novel. *GLQ: A Journal of Lesbian and Gay Studies*, *1*, 1–16.

Segaert, A. (2012). *The national shelter study*. Homelessness Partnering Strategy, Human Resources and Skills Development Canada. Retrieved from http://www.homelesshub.ca/resource/national-shelter-study-2005-2009

ServiceOntario. (2014). Changing your sex designation on your birth registration and birth certificate. Retrieved from https://www.ontario.ca/government/changing-your-sex-designation-your-birth-registration-and-birth-certificate

Services Québec 2014. *Demander un changement de nom par voie administrative* Retrieved from http://www4.gouv.qc.ca/FR/Portail/Citoyens/Evenements/separation-divorce/Pages/faire-modifier-nom-prenom.aspx

Shapcott, M. (2012). *Wait lists hit new records, Exec Committee schemes to sell-off 740 affordable TCHC homes*. Wellesley Institute. Retrieved from http://www.wellesleyinstitute.com/housing/wait-lists-hit-new-records-exec-committee-schemes-to-sell-off-740-affordable-tchc-homes/

Sharkansky, I. (1995). Policy analysis in historical perspective. *Journal of Management History*, *1*(1), 47–58. doi:10.1108/13552529510082822

Sharpe, A. (2012). Transgender marriage and the legal obligation to disclose gender history. *The Modern Law Review*, *75*(1), 33–53.

Shdaimah, C., Stahl, R., & Schram, S. (2009). When you can see through your roof: policy analysis from the bottom up. In E. Schatz (Ed.), *Political Ethnography: What immersion contributes to the study of power* (pp. 255–274). The University of Chicago Press.

Simon, H. A. (1997[1945]). *Administrative behavior* (4th ed.). New York: The Free Press.

Smith, G. A. (2000). *Remembering our dead*. Retrieved from http://www.rememberingourdead.org

Smith, J. (2012, February 1) Transgender community slams airlines' ID rules- 'unacceptable.' *Toronto Star,* pp. A4.

Smith, K., & Larimer, C. (2009). *The public policy theory primer*. Boulder: Westview Press.

Snorton, C. R., & Haritaworn, J. (2013) *Trans Necropolitics: A Transnational Reflection on Violence, Death, and the Trans of Color Afterlife.* In S. Stryker & A. Aizura (Eds.), *The transgender studies reader 2* (pp. 66–76). New York: Routledge.

Social Housing Reform Act, Statutes of Ontario (2000, c. 27). Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/statute/00s27

Société d'habitation du Québec (SHQ). (1992). *La société d'habitation Québec: Un mouvement en trois étapes 1967–1992*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/0000021347.pdf

Société d'habitation du Québec (SHQ). (1997a). *L'action gouvernementale en habitation: Orientations et plan d'action.* Québec: Author.

* Société d'habitation du Québec (SHQ). (1997b). *Rapport annuel 1996*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/qur96p01.pdf

* Société d'habitation du Québec (SHQ). (1998). Rapport annuel 1997. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/M04706.pdf

* Société d'habitation du Québec (SHQ). (1999). Rapport annuel 1998 Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/M05389.pdf

* Société d'habitation du Québec (SHQ). (2000). *Rapport annuel 1999*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/M05728.pdf

* Société d'habitation du Québec (SHQ). (2002). *Rapport annuel 2001*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/M06435.pdf

* Société d'habitation du Québec (SHQ). (2003). *Rapport annuel de gestion 2002*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/M17205.pdf

* Société d'habitation du Québec (SHQ). (2004). *Rapport annuel de gestion 2003*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/M17645.pdf

* Société d'habitation du Québec (SHQ). (2005). *Rapport annuel de gestion 2004*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/M18527.pdf

* Société d'habitation du Québec (SHQ). (2006). *Rapport annuel de gestion 2005*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/M18961.pdf.

* Société d'habitation du Québec (SHQ). (2007). *Rapport annuel de gestion 2006*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/M19636.pdf

* Société d'habitation du Québec (SHQ). (2008). *Rapport annuel de gestion 2007-2008*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/0000021262.pdf
* Société d'habitation du Québec (SHQ). (2009). *Rapport annuel de gestion 2008-2009*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/0000021261.pdf
* Société d'habitation du Québec (SHQ). (2010). *Rapport annuel de gestion 2009-2010*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/0000021370.pdf
* Société d'habitation du Québec (SHQ). (2011). *Rapport annuel de gestion 2010-2011*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/0000021372.pdf
* Société d'habitation du Québec (SHQ). (2012). *Rapport annuel de gestion 2011-2012*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/0000022141.pdf
* Société d'habitation du Québec (SHQ). (2013). *Rapport annuel de gestion 2012-2013*. Gouvernement du Québec. Retrieved from http://www.habitation.gouv.qc.ca/fileadmin/internet/publications/0000022984.pdf

Société d'habitation Québec (SHQ). (2014). *AccèsLogis Québec*. Retrieved from http://www.habitation.gouv.qc.ca/programme/programme/acceslogis_quebec.html

Spade, D. (2011). *Normal life: Administrative violence, critical trans politics, and the limits of the law*. Brooklyn: South End Press.

Spicer, S. S. (2010). Healthcare needs of the transgender homeless population. *Journal of Gay & Lesbian Mental Health* [Special issue], *14*(4), 320–339. doi:10.1080/19359705.2010.505844

Spicer, S. S., Schwartz, A., & Barber, M. E. (2010). Special issue on homelessness and the transgender homeless population. *Journal of Gay & Lesbian Mental Health* [Special issue], *14*(4), 267–270. doi:10.1080/19359705.2010.509004

Social Housing Connections. (2009). *Annual statistical report 2009*. Retrieved from http://www.housingconnections.ca/pdf/annualReports/2009/Annual%20Report%202009.pdf

Social Housing Connections. (2013). *Annual statistical report 2013*. Retrieved from http://www.housingconnections.ca/pdf/annualReports/2013/2013%20Annual%20Report.pdf

Southey, T. (2012, February 4). Gender Offender: This airport rule promotes prejudice not security. *Globe and Mail*, pp. F2.

Sreedhar, S., & M. Hand. (2006). The ethics of exclusion: Gender politics at the Michigan Womyn's Music Festival. In K. Scott-Dixon (Ed.), *Trans/forming feminisms: Trans-feminist voices speak out* (pp. 161–169). Toronto: Sumach Press.

Stack, C. B. (1997). Beyond what are given as givens: Ethnography and critical policy studies. *Ethos*, *25*(2), 191–207.

Statistics Canada. (2011). *Homeownership and shelter costs in Canada, National household survey, 2011*. (catalogue number 99-014-X2011002). Retrieved from https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-014-x/99-014-x2011002-eng.cfm

Stone, D. (2002[1988]). *Policy paradox: The art of political decision making*. New York: W.W. Norton.

Stone, S. (1991). The empire strikes back: A posttranssexual manifesto. In J. Epstein & K. Straub (Eds.), *Body guards: The cultural politics of gender ambiguity* (pp. 280–302). New York: Routledge.

Stryker, S. (1994). My words to Victor Frankenstein above the village of Chamounix: Performing transgender rage. *GLQ: A Journal of Lesbian and Gay Studies*, *1*, 237–254.

Stryker, S. (2006). (De)subjugated knowledges: An introduction to transgender studies. In S. Stryker & S. Whittle (Eds.), *The transgender studies reader* (pp. 1–17). New York: Routledge.

Stryker, S., & Aizura, A. (Eds.). (2013). Introduction: Transgender studies 2.0. In S. Stryker & A. Aizura (Eds.), *The transgender studies reader 2* (pp. 1–12). New York: Routledge.

Stryker, S., & Whittle. S. (Eds.), (2006). *The transgender studies reader*. New York: Routledge.

Tarasuk, V., Mitchell, A., Dachner, N. (2013). *Household food insecurity in Canada,* 2012. Toronto. Retrieved from PROOF's website http://nutritionalsciences.lamp.utoronto.ca/

Tarzwell, S. (2006-2007). Gender lines are marked with razor wire: Addressing state prison policies and practices for the management of transgender prisoners, *The Columbia Human Rights Law Review, 38*, 167–219.

Taylor, J. K. (2007). Transgender identities and public policy in the United States: The relevance for public administration. *Administration & Society*, *39*(7), 833–856.

Taylor, J. K., Tadlock, B. L., & Poggione, S. (2013-2014). State LGBT rights policy outliers: Transsexual birth certificate amendment laws. *The American Review of Politics*, *34*, 245–270.

The Canadian Press. (2012, October 12). Ontario allows transgender people to change birth certificate without surgery. *The Globe and Mail.* Retrieved from http://www.theglobeandmail.com

The Housing Service Act*,* Statues of Ontario (2011, c. 6 schedule 1). Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/statute/11h06

The Professional Institute of the Public Service of Canada. (2013). *The big chill: Silencing public interest science, A survey*. Retrieved from http://www.pipsc.ca/portal/page/portal/website/issues/science/bigchill

The Standing Committee on the Status of Women. (2006). *Tenth Report*. 39th Parliament, 1st Session. Parliament of Canada.

Tomlinson, B. (2013). To tell the truth and not get trapped: Desire, distance, and intersectionality at the scene of argument. *Signs: Journal of Women in Culture and Society*, *38*(4), 993–1017. doi:10.1086/669571

Torgerson, D. (1986). Between knowledge and politics: Three faces of policy analysis. *Policy Sciences, 19*(1), 33–59.

Torgerson, D. (1996). Power and insight in policy discourse: Post-positivism and problem definition. In L. Dobuzinskis, M. Howlett, & D. Laycock (Eds.), *Policy studies in Canada: The state of the art* (pp. 266-298). University of Toronto Press.

Torgerson, D. (2003). Democracy through discourse. In M. Hajer & H. Wagenaar (Eds.), *Deliberative policy analysis: Understanding governance in the network society* (pp. 113–138). Cambridge University Press.

Toronto Community Housing Corporation (TCHC). (2012). *2011 Annual Report*. Retrieved from http://www.torontohousing.ca/webfm_send/8838

Toronto Community Housing Corporation (TCHC). (2014). *State of Good Repair Fund Properties*. Retrieved from http://www.torontohousing.ca/sogr_fund_properties.

Toronto Community Housing Corporation. (2015). *The 10-Year Capital Plan*. Retrieved from http://www.torontohousing.ca/sogr_repair_needs

Trans Lobby Group. (2012) Revised Criteria: Change of Sex Designation on an Ontario Birth Registration Consultation Document. Toronto

Trans Lobby Group. (2015). About us. Retrieved from https://www.facebook.com/ TransLobbyGroup/info?tab=page_info

Trudeau, J. (2015). *Minister of Immigration, Refugees and Citizenship Mandate Letter,* Retrieved from http://pm.gc.ca/eng/minister-immigration-refugees-and-citizenship-mandate-letter

Trudeau, J. (2015, September 25). *Open letter to Canada's public servants*. Retrieved from https://www.liberal.ca/open-letter-to-canadas-public-servants/

Turner, W. B. (2000). *A genealogy of queer theory*. Philadelphia: Temple University Press.

University of Toronto Faculty of Law. (2011). *Mexico: Country report for use in refugee claims based on persecution relating to sexual orientation and gender identity*. University of Toronto. Retrieved from http://ihrp.law.utoronto.ca/utfl_file/count/documents/SOGI/ Mexico%20-%20SOGI%20Country%20Report%202011,%20Final%20Copy.pdf

United Nations. (1950). *United Nations Convention Relating to the Status of Refugees*.

United Nations. (1984). *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

van Hulst, M., & Yanow, D. (2014). From policy "frames" to "framing" theorizing a more dynamic, political approach. *The American Review of Public Administration*, Published online before print. 1–24. doi:10.1177/0275074014533142

Vandrish, R. (2014, October 14). Integrity of passport issuance process must be preserved: spokesperson. *Daily Extra*. Retrieved from http://www.dailyxtra.com/canada/news-and-ideas/news/passport-canada-rejects-sex-unspecified-passports-93929

Valentine, D. (2007). *Imagining transgender: An ethnography of a category*. Durham: Duke University Press.

Valerio, M. (2002). *Why I'm not 'transgender'.* Retrieved 2006 from www.gay.com

Velázquez, A. (2012, December 7). Asesinan a balazos a travestí en Toluca. *La Prensa*. Retrieved from http://www.oem.com.mx/laprensa/notas/n2799967.htm

Vinzant, J., & Crothers, L. (1998). Street-level leadership: Rethinking the role of public servants in contemporary governance. *American Review of Public Administration*, *26*(4), 457–476.

Vital Statistics Act, Revised Statutes of Ontario (1990, c. V.4). Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/statute/90v04

Vital Statistics Act Regulation, General, Revised Regulations of Ontario (1990, R/1094). Retrieved from Government of Ontario E-Laws website: https://www.ontario.ca/laws/regulation/901094

Vitulli, E. (2010). A defining moment in civil rights history? The employment non-discrimination act, trans-inclusion, and homonormativity. *Sexuality Research and Social Policy*, *7*, 155-167.

von Krafft-Ebing, R. (2006[1877]). Selections from psychopathia sexualis with special reference to contrary sexual instinct: A medico-legal study. In S. Stryker & S. Whittle (Eds.), *The transgender studies reader* (pp. 21-27). New York: Routledge.

Wagenaar, H. (2011). *Meaning in action: Interpretation and dialogue in policy analysis*. Armonk: M.E. Sharpe.

Warren, M. (2012, May 12). Argentina passes law that allows people to change their gender more easily. *National Post*. Retrieved from http://news.nationalpost.com/

Weiss, C. H., (1980). Knowledge creep and decision accretion. Knowledge: Creation, diffusion, utilization. *Science Communication*, *1*(3), 381–404.

Wellesley Institute. (2010). Precarious housing in Canada. Retrieved from http://www.wellesleyinstitute.com/publications/new-report-precarious-housing-in-canada-2010/

World Professional Association for Transgender Health (WPATH). (2012[1979]). *Standards of care: For the health of transsexual, transgender, and gender nonconforming people* (7th ed.). Author.

Whittle, S. (2002). *Respect and equality: Transsexual and transgender rights*. New York. Routledge-Cavendish.

Wilchins, R. A. (1997). *Read my lips: Sexual subversion and the end of gender*. Milford: Firebrand Press.

XY v. Ontario (Government and Consumer Services), 726 Human Rights Tribunal of Ontario. (2012). Retrieved from the Canadian Legal Information Institute website: http://www.canlii.org/en/on/onhrt/doc/2012/2012hrto726/2012hrto726.html

Yanow, D. (1995). Built space as story: The policy stories that buildings tell. *Policy Studies Jounral*, *23*(3), 407–422.

Yanow, D. (1996). *How does a policy mean? Interpreting policy and organizational actions*. Georgetown University Press.

Yanow, D. (2000). *Conducting interpretive policy analysis*. Thousand Oaks: Sage Publications.

Yanow, D. (2002). *Constructing race and ethnicity in America: Category-making in public policy and administration*. M.E. Sharpe.

Yanow, D. (2009). Dear author, dear reader: The third hermeneutic in writing and reviewing ethnography. In E. Schatz (Ed.), *Political Ethnography: What immersion contributes to the study of power* (pp. 275–302). The University of Chicago Press.

Yerke, A., & Mitchell, V. (2013). Transgender people in the military: Don't ask? Don't tell? Don't enlist!. *Journal of Homosexuality*, *60*, 436–457. doi:10.1080/00918369.2013.744933

Yu, V. (2010). Shelter and transitional housing for transgender youth. *Journal of Gay & Lesbian Mental Health*, *14*(4), 340–345. doi:10.1080/19359705.2010.504476

Y.Z. v. Canada (Citizenship and Immigration), 892 Federal Court. (2015). Retrieved from http://decisions.fct-cf.gc.ca/fc-cf/decisions/en/110850/1/document.do

Appendix – Recruitment flyers

Croyez-vous que le gouvernement vous nuit? Est-ce qu'il vous aide?

Bonjour à toutes et à tous!

Je suis à la recherche de personnes transsexuelles et transgenres de la région de Montréal qui voudraient participer à une recherche sur rôle du gouvernement dans leur vie. **Il n'est pas nécessaire d'avoir une bonne connaissance des lois pour participer, ni d'être intéressé par la politique.**

Votre participation consisterait d'une **entrevue de 60 à 90 minutes** durant laquelle on vous posera des questions sur votre vie de tous les jours (vos occupations et vos activités principales), ainsi que vos valeurs (ce qui vous tiens à cœur, ce qui est important pour vous). On vous demandera si le gouvernement a eu un impact sur différentes parties de votre vie. Vous allez aussi pouvoir partager vos opinions sur les règles, les lois, les procédures administratives et les actions gouvernementales qui sont présentes dans votre vie et dans la vie des gens qui vous entour.

- Un honoraire de 30 $ sera remis à tous les participants et participantes des entrevues (des billets de transport en commun sont aussi disponibles).
-Les entrevues se déroulent selon **votre disponibilité**.
-Votre participation sera **confidentielle**: On ne dévoilera pas votre identité.

You can do the interview in English if you prefer.

Pour participer ou pour avoir plus d'information au sujet du projet vous pouvez me rejoindre par courriel ou teléphone (les commentaires et les suggestions au sujet du projet sont aussi les bienvenues)

Courriel :
Tel.

Merci
Natalie Duchesne

Does the government harm you? Help you?

I'm looking for trans, transsexual and transgender people in Toronto to participate in a study about the role of government in your lives. **You don't need to know a lot about politics or think of yourself as being political to participate!**

We would meet for an **interview** that would last **60-90 minutes**. During this time, I would ask you about your day-to-day life (your activities and occupations) and your values (what you think is important). We would also talk about the role of government in different aspects of your life and your opinions about the rules, laws and policies that affect you.

- A **30$ honorarium** will be given to interview participants (subway tokens are also available).
- All interviews are **confidential**: we won't reveal your identity

Vous pouvez faire l'entretien en français

For more information please contact Natalie Duchesne by e-mail () or by phone (). **Comments and suggestions are also welcome!**

Thank you,

Natalie Duchesne
PhD Candidate, Humanities Doctoral Program
Concordia University